

CHAPTER 277

THE TANZANIA FORESTRY RESEARCH INSTITUTE ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 277

THE TANZANIA FORESTRY RESEARCH INSTITUTE ACT

An Act to establish the Tanzania Forestry Research Institute and to provide for the functions and powers of the Institute in relation to the promotion of forestry research.

[1st August, 1980]

[G.N. No. 117 of 1980]

Act No. 5 of 1980

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh277s1]1. Short title

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

[PCh277s2]2. 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 Forestry Research Centre established or deemed to have been established under section 5;

"Director-General" means the Director-General of the Institute appointed under section 13;

"forestry" includes all those systematic technical activities relating to—

(a) the cultivation, planting and tending of trees and other plants, whether or not for horticultural or medicinal purposes;

(b) the growth of trees for the purposes of afforestation;

(c) the management of forests;

(d) the supply, sale, utilisation and conversion of timber, carried out in accordance with the rules or practice of good forestry or for purposes connected with them;

"Institute" means the Tanzania Forestry Research Institute established by section 3;

"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 forestry;

"timber" includes all forest products;

"wood industry" means the manufacture of any wood-work, operation of saw mill and includes the buying, selling, exporting, importing and marketing of wood and wood-work.

PART II

THE TANZANIA FORESTRY RESEARCH INSTITUTE (ss 3-7)

[PCh277s3]3. Establishment of the Institute

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

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

- (a) have perpetual succession and 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.

[PCh277s4]4. Functions of the Institute

(1) The functions of the Institute shall be—

- (a) to promote the development, improvement and protection of the forestry industry;
- (b) to carry out, and promote the carrying out of, inquiries, experiments and research, and to collect, or facilitate the collection of, information, for the purposes of promoting forestry and the teaching of forestry;
- (c) to carry out, and promote the carrying out of, experiments and research relating to the planting, growth, development, conservation and use of local and foreign trees, and evaluate their suitability for and adaptation and alternative use in the wood and other industries in the United Republic;

(d) to carry out research and investigation into the causes, and the ways of controlling and preventing the occurrence in the United Republic of particular plant diseases or a category of them;

(e) to co-ordinate research in forestry carried out within the United Republic;

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

(g) to advise the Government, public institutions and other persons or bodies of persons on the practical application of the results of inquiries, experiments and researches carried out by or on behalf of the Institute;

(h) to advise the Government, public institutions and other persons or bodies of persons on the application of modern techniques suitable for the development of forests for the purposes of conserving or improving the natural beauty and amenity of the towns and the countryside, and the conservation of soil, fauna and flora;

(i) in co-operation with the Government or any person or body or persons, to promote, or provide facilities for, the instruction and training of local personnel for carrying out research in forestry, and for the management of forest;

(j) to prepare, implement, control and supervise programmes relating to the development of forestry;

(k) to undertake the collection, reparation, publication and distribution of statistics relating to forestry, and promote and develop instruction and training in forestry;

(l) to provide assistance, consultancy and other services for the development of forestry, including—

(i) the establishment of nurseries and demonstration forest plots in such areas as the Board may determine;

(ii) the supervision of the cultivation of certain forest trees and the harvesting and processing of their products;

(iii) the provision of such advice and services as may be needed by forest developers and conservators;

(m) to undertake the management or supervision, upon such terms and conditions as may be agreed upon, or give assistance or advice in relation to the planting and management, of any woods or forests belonging to any person or body of persons;

(n) to purchase or acquire standing timber, and sell or dispose of any timber belonging to the Institute or, subject to such terms as may be mutually agreed, to a private owner, and generally promote the supply, sale, utilisation and conversion of timber;

(o) to advise, co-operate and assist the Government, public institutions and other persons or bodies of persons in the establishment, carrying on and development of woodland industries;

(p) to control and manage the affairs of Centres vested in the Institute by section 5;

(q) to assume responsibility for the control and management of any Centres which may be established by or vested in the Institute under section 5 or any other written law;

(r) to do all such acts and things as, in the opinion of the Board may be necessary to uphold and support the credit of the Institute, to obtain and justify public confidence, and to avert or minimise loss to the Institute;

(s) to do any thing or enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper exercise of the functions of the Institute under this Act.

(2) For the purposes of the better exercise of its functions the Institute shall establish and maintain a system of collaboration, consultation and co-operation with the Tanzania Commission for Science and Technology established by the Tanzania Commission for Science and Technology Act *, the Tanzania Wood Industry Corporation established by the Tanzania Wood Industry Corporation (Establishment) Order *, and with any other person or body of persons established by or under any written law and having functions related to the functions of the Institute or to scientific development generally.

[PCh277s5]5. Vesting of Centres and provisions relating to acquisition of land

(1) The control and management of Centres specified in the First Schedule to this Act is hereby vested in the relating Institute.

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

(3) The Minister may, after consultation with the Council, by order published in the Gazette, declare any forest or forest reserve to be a Centre for the purposes of forestry research under this Act, and vest in the Institute the control and management of that Centre.

(4) The Institute shall be granted a right of occupancy over the land over 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 over which a Centre exists, or is, or is intended to be, established, all the rights necessary for the performance of its functions which the owner 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) The Board may manage, plant and use in any other way, for the purposes of the exercise of the functions of the Institute under this Act, any land placed at the disposal of the Institute under this section, and—

(a) the power of the Board under this section to manage and use any land shall, without prejudice to the generality of that power, include power to erect buildings or execute works on the land;

(b) any timber produced on that land shall belong to the Institute.

[PCh277s6]6. Composition and proceedings of Board

(1) There is established a Board of Directors of the Institute which shall, subject to this Act, be responsible for the exercise of the functions and the management 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 provisions of the Second Schedule to this Act.

[PCh277s7]7. Minister may give directions 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 (ss 8-12)

[PCh277s8]8. Provisions relating to research

(1) The Board shall appoint such number of committees and subcommittees as it may deem necessary for the formulation, control and co-ordination carried out by or on behalf of the Institute.

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

(3) The provisions of the Second Schedule to this Act (other than the provisions which relate 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 directions 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.

(4) 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 forestry;

(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 forestry research being carried out on behalf, or for the benefit, of the Institute.

[PCh277s9]9. Information on forestry research to be furnished to the Institute

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

(2) Any person who contravenes or fails to comply with subsection (1) commits an offence and is liable upon conviction to a fine not exceeding five 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 research in zoological, botanical, geological, agricultural, horticultural, forestry, hydrological, medical, or other allied scientific research, within or outside the United Republic for the purposes of establishing a system of exchanging information relating to zoological, botanical, geological, agricultural, horticultural, forestry, hydrological, medical or other allied specific scientific research.

[PCh277s10]10. Institute may call for information

(1) The Institute may require in writing any person or body of persons engaged in forestry or other allied scientific research within the United Republic to furnish to it such information relating to forestry 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 upon conviction to a fine not exceeding ten thousand shillings.

[PCh277s11]11. Dissemination of results for purposes of practical utilisation

The Board shall cause to be established, maintained and utilised a system of communication for purposes of co-operation with local authorities and other departments and organs of the Government, for the facilitating and assisting in the practical application, in relation to forestry and soil conservation, of the results of researches carried out by or

on behalf of the Institute, subject to such directions as may be given by the Minister, after consultation with the Minister responsible for local government affairs.

[PCh277s12]12. Power of Minister to make regulations

(1) The Minister may, after consultation with the Board and, where appropriate, with such other authorities, persons or bodies of persons as the Minister may deem necessary, make regulations 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 forestry 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) declaring any area or areas in the United Republic as an area or areas in which particular types or varieties of trees or forests shall be planted or maintained for the purposes of promoting forestry research;

(d) regulating the utilisation by specified institutions engaged in the wood industry of the technical expertise and services of the Institute in the planting, development and management of forests and the harvesting, processing and marketing of forest produce;

(e) regulating involvement of the Institute in the processing and marketing of products derived or manufactured from forest produce;

(f) 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 AND FINANCIAL PROVISIONS (ss 13-24)

[PCh277s13]13. Appointment of employees and management

(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) The Board shall, after consultation with the Director-General, appoint suitable persons each designated as Director and Chief Administrative Officer of the Centre specified in the instrument of their appointment.

(3) The Board may 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.

(4) Subject to the general or specific directions given by the Council in that behalf, the Director of a Centre may appoint such number of non-professional 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.

(5) Subject to such general or specific directions given to him by the Board, the Director-General may issue operational guidelines to all or any of the Directors appointed

under subsection (2), and may call for and Act on reports made by those Directors relating to the operations of Centres vested in, established or deemed to have been established under this Act.

[PCh277s14]14. Remuneration of members 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.

[PCh277s15]15. Superannuation benefits

Subject to the provisions of any written law for the time being 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.

[PCh277s16]16. Power of Board to delegate

(1) Subject to subsection (4), the Board may, by a written instrument under the seal of the Institute, 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 functions 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 account.

[PCh277s17]17. 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, from time to time, borrow in accordance with this Act;

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

(d) such 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 manner in the performance of its functions.

[PCh277s18]18. Power of Board to charge fees

For the proper performance of the functions of the Institute the Board may, subject to any directions given by the Minister in that behalf, charge fees for any services rendered by the Institute.

[PCh277s19]19. Investment

With the prior approval of the Minister, the Board may, invest any part of the moneys available in any fund of the Institute and which is not for the time being required for the purposes of the business of the Institute in such investments as are authorised investments in relation to investment of funds by a trustee under the Trustees Investments Act *.

[PCh277s20]20. Power to borrow

(1) The Board may, with 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.

[PCh277s21]21. 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 of commencement of this Act 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 amount respectively—

(a) expected to be received; and

(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 annual 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 or supplementary budget, approve or disapprove it, or may approve it subject to such amendments as he may consider 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 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.

[PCh277s22]22. 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 moneys, 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 and, if adopted by the Board, shall be endorsed 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, if any, on the statement made by the auditors.

[PCh277s23]23. Annual report

(1) The Institute shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report dealing with the activities and operations of the Institute during that year and the report shall be accompanied by—

(a) a copy of the audited accounts of the Institute, together with the auditors' report, if any, on the accounts;

(b) a statement of all directions given by the Minister to the Institute under this Act during that year;

(c) such other information as the Minister may direct.

(2) The Institute shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing reasonably request from time to time.

[PCh277s24]24. Laying of accounts before National Assembly

The Minister shall, lay before the national Assembly the audited accounts of the Institute, together with the auditors' report, if any, on the accounts and the annual report of the Institute as soon as practicable.

PART V

GENERAL PROVISIONS (ss 25-26)

[PCh277s25]25. 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.

[PCh277s26]26. Notification of orders

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, as the case may be, 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.

FIRST SCHEDULE

FORESTRY RESEARCH CENTRE

(Section 5)

1. Amani Forestry Research Centre.

2. Kibaha Lowland Afforestation Research Centre.
3. Lushoto Silviculture Research Centre.
4. Moshi Timber Utilisation Research Centre.
5. Mufindi Pulpwood Research Centre.
6. Rondo Southern Zone Afforestation Research Centre.
7. Tabora Miombo Woodland Research centre.

SECOND SCHEDULE

BOARD OF DIRECTORS

(Section 6(2))

1. Composition of Board

(1) The Board shall consist of—

- (a) a Chairman, who shall be appointed by the President;
- (b) the Director-General;
- (c) not less than nine and not 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 so elected 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 making appointments of members of the Board, the Minister shall ensure that every person appointed by him is a person who, in his opinion, is prominent and has the necessary experience or personal qualifications to enable him to make a useful contribution to the deliberations of the Board and to assist the Board in the exercise 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, 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.

(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 of meetings 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 any defect in the appointment of any of them.

12. Orders, directions, notices or documents

All orders, directions, notices 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 proceedings

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

[PCh278]CHAPTER 278

THE AFFILIATION ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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4.	Conditions of issue of summons.
5.	Order of maintenance, enforcement and variation of the order and distress.
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8. Money to be paid to mother or custodian.
9. Application, appointment, claims of custodian of child, etc.
10. Neglect and desertion of child.
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12. Appeal against order.
13. Forms and procedure.
14. Exclusion of public and prohibition of reports.
15. Power to make rules.
16. Election between remedies under Act and remedies under customary law.