

CHAPTER 159

THE TANZANIA INDUSTRIAL RESEARCH AND DEVELOPMENT ORGANISATION ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 159

THE TANZANIA INDUSTRIAL RESEARCH AND DEVELOPMENT ORGANISATION ACT

An Act to establish the Tanzania Industrial Research and Development Organisation and to provide for the functions and powers of the Organisation in relation to the promotion of industrial and technological research.

[1st April, 1979]

[GN. No. 37 of 1979]

Acts Nos.
5 of 1979
8 of 2023

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Tanzania Industrial Research and Development Organisation Act.

Interpretation **2.** In this Act, unless the context otherwise requires-
“Council” means the Council of the Organisation established under section 5;
“Director-General” means the Director-General of the Organisation appointed under section 14;
“member” in relation to the Council means a member of the Council and includes the Chairman and the Vice-Chairman;
“Minister” means the Minister responsible for industries;
“Organisation” means the Tanzania Industrial Research and Development Organisation established under section 3;
“Technical Programmes Committee” means the committee established under section 7(1).

PART II

THE TANZANIA INDUSTRIAL RESEARCH AND DEVELOPMENT ORGANISATION

Establishment of
Organisation

3.-(1) There is hereby established an Organisation to be known as the Tanzania Industrial Research and Development Organisation.

(2) The Organisation 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; and
- (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.

Functions of
Organisation
Act No.
8 of 2023 s. 36

4.-(1) The functions of the Organisation shall be to-

- (a) to carry out, and promote the carrying out of, industrial research designed to facilitate the evaluation, development and use of raw materials in industrial processes;
- (b) carry out research in various aspects of local and foreign industrial techniques and technologies, and evaluate their suitability for adaptation and alternative use in local industrial production;
- (c) promote or provide facilities for, the training of personnel for carrying out scientific and industrial research;
- (d) in collaboration with relevant authorities or any person or body of persons, carry out monitoring of industrial establishments with the purpose of evaluating their performance and productivity to avert or minimize any loss to the public;
- (e) establish a system for the registration of, and to register, the findings of industrial research carried out within Tanzania and to promote the practical application of those findings in industrial production;

- (f) establish and operate a system of documentation and dissemination of information on any aspect of industrial research carried out by or on behalf of the Organisation;
- (g) to provide to the Government, firms and enterprises intending to establish new industries or engaged in industrial production, technical assistance necessary for the technological sustainability of the envisaged industrial enterprise;
- (h) provide to the Government, and to firms or organisations engaged in industrial production, technical, advisory services, advice and guidance on technical matters, necessary for the furtherance of, or relating to, industrial activity;
- (i) advise the Government and firms or organisations engaged in industrial production, on the adaptation of technology in industrial production;
- (j) provide advice to the Government and to firms or organisations engaged in industrial production, on the establishment of systems for the control and regulation of industrial processes to improve performance and to avert or minimise the sources of industrial pollution;
- (k) carry out testing and analysis of industrial technologies and raw materials for enterprises and undertake primary technology testing of locally manufactured machinery and imported industrial machineries;
- (l) establish incubators for the purpose of developing or exploiting research outputs, inventions and innovations or technological expertise;
- (m) represent Tanzania in international fora in matters relating to industrial research;
- (n) do anything which may be necessary to uphold and support the credit of the Organisation, to obtain and justify public confidence, to avert or minimise any loss to the Organisation and to facilitate the proper and efficient performance of its functions.

(2) In particular, but without prejudice to the generality of subsection (1), the Organisation may-

- (a) undertake, either alone or in association with any person or body of persons within or outside Tanzania, the establishment, equipment and management, on a zonal or sectoral basis, of a centre or centres within Tanzania for the performance of any of its functions;
- (b) carry out, and promote the carrying out of, applied research and investigation into the causes, and the ways of abating and preventing industrial pollution;
- (c) in co-operation with the Government or any person or body of persons, evaluate and, if necessary, adapt foreign technological processes for use in Tanzania;
- (d) provide to industrial enterprises technical services connected with the design of prototype, industrial plant, machinery and equipment for manufacture or use in Tanzania; and
- (e) provide to industrial enterprises technical services connected with the repair and maintenance of industrial plant, machinery and equipment.

(3) For purposes of the better performance of its functions the Organisation 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 (2) or which relate to technological research or to industrial development generally.

Establishment,
composition and
proceedings of
Council

5.-(1) There is established a Council of the Organisation which shall, subject to this Act, be responsible for the performance of the functions and management of the affairs of the Organisation.

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

(3) Save in the case of matters relating to the office and appointment of the Chairman of the Council, the Minister may, by order published in the *Gazette*, amend any of the provisions of the Schedule to this Act.

Minister may
give directions to
Council

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

PART III

POWERS AND OPERATIONS OF THE ORGANISATION

Provisions
relating to
research
Act No.
8 of 2023 s. 37

7.-(1) The Council shall establish a Technical Programmes Committee which shall, subject to such general or specific directions as the Council may give in that behalf, be responsible for the study of proposals for technological research made to or by the Organisation.

(2) Subject to any directions given by the Council under subsection (1), if it appears to the Director-General that it is necessary that technological research be carried out by the Organisation in the performance of its functions, he shall take all measures necessary to facilitate the carrying out of the research or to obtain the decision of the Council on the proposals in question.

(3) In determining whether or not any proposals for technological research be carried out by the Organisation, the Director-General or the Council, shall take into account-

- (a) the necessity or desirability and propriety of the research sought to be carried out by the Organisation;
- (b) the anticipated cost of the proposed research;
- (c) the financial ability of the Organisation to meet the anticipated cost of the proposed research; and
- (d) the ability of the Organisation to carry out the proposed technological research having regard to other researches being carried out by the Organisation.

(4) The Council may, after considering the factors specified in subsection (3) in respect of any proposed technological research referred to it, approve or withhold its approval and, in the latter case, may require that further information or particulars in connection with the proposed research be provided to the Council by the Director-General.

(5) Notwithstanding subsection (1), the Council may establish such other committees as it considers necessary or desirable for the effective discharge of its functions.

Repealed

8. [Repealed by Act No. 8 of 2023, s. 38]

Organisation
may call for
information
Act No.
8 of 2023 s. 39

9.—(1) For the purposes of the proper performance of its functions under this Act, the Organisation may require in writing any firm or organisation engaged in industrial production or in industrial research within Tanzania to furnish to it such information relating to industrial production as the Organisation may specify.

(2) A firm or organisation which is required to furnish information under subsection (1), shall comply with the requirement and any firm or organisation which refuses or fails to comply with that requirement commits an offence and on conviction shall be liable—

(a) in the case of first offender, to a fine of fifty thousand shillings; and

(b) in the case of second or subsequent offender, to a fine of five hundred thousand shillings, or to imprisonment for a term of six months or to both.

Custody and
disclosure of
information
furnished to
Organisation

10.—(1) All information furnished to the Organisation pursuant to section 8 or 9 shall be kept by the Organisation for purposes of record, and may be dealt with or disposed of in such manner and for such purposes as the Minister may approve or direct.

(2) Save where the Minister directs otherwise, all information furnished to the Organisation pursuant to section 8 or 9 shall be treated as confidential.

(3) Subject to subsection (4), a member of the Council or an officer of the Organisation who discloses to any person, except for the purposes of the performance of his duties or exercise of his powers under this Act, any information furnished to the Organisation pursuant to section 8 or 9 or any information which was in any other way acquired by the member or the officer in the performance of his duties or the exercise of his powers under this Act, commits an offence and on conviction shall be liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(4) Subsection (3) shall not apply to the disclosure of information made for purposes of any legal proceedings instituted under this Act or for the purposes of a report relating to those proceedings.

(5) Subject to subsection (4), where, in the performance of its functions, the Organisation discloses to any institution or person any information furnished to it pursuant to section 8 or 9, subsection (3) shall apply to that institution or that person as if references in that subsection to a member of the Council or an officer of the Organisation were references to a member or an officer of the institution or the person to whom the organisation discloses the information.

Provisions
relating to
inventions

11.-(1) Where as a result of any research carried out by or on behalf of the Organisation anything is invented, the invention shall become the property of the Organisation.

(2) For purposes of the commercial exploitation of any invention which the Organisation considers important for, or incidental to, the performance of its functions, the Organisation may arrange with any person or body of persons to buy, sell, take or grant patent rights in the invention, subject to terms approved by the Council.

(3) The Organisation may, with the prior approval of the Minister, enter into any arrangement under subsection (2), one of the terms of which requires the Organisation to provide

financial assistance in the form of a loan or grant to the person or body of persons with whom the arrangement is entered.

(4) Except with the consent of the Minister, the Organisation shall not, in pursuance of any of the provisions of this section, undertake to incur any expenditure which exceeds one percent of the estimated recurrent expenditure budget of the Organisation for any one financial year.

(5) An invention made as a result of industrial or technological research carried out under this Act shall be registered by the Organisation in such form and upon such conditions as the Minister may, by regulations made under this Act, prescribe.

(6) The Organisation may, with the prior approval of the Minister, grant to any person who makes an invention which the Organisation considers important, or who materially assists or contributes to the making of that invention, such reward as may be approved by the Council.

Repealed

12. [Repealed by Act No. 8 of 2023, s. 40]

Power of
Minister to make
regulations
Act No.
8 of 2023 s. 41

13.—(1) The Minister may, after consultation with the Council, make regulations necessary to give effect to purposes 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 specified in the regulations, engaged in industrial production or research to furnish to the Organisation 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 Organisation under this Act shall be furnished or made available to the Organisation;
- (c) prescribing any other thing which under this Act is required or permitted to be prescribed.

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

PART IV

ADMINISTRATIVE AND FINANCIAL PROVISIONS

Appointment of employees

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

(2) The Council may appoint such number of other employees of the Organisation as it may deem necessary for the proper and efficient conduct of the business and activities of the Organisation.

Remuneration of members of Council

15.—(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 Council, prescribe.

(2) Remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the Minister, shall not be paid to any member of the Council who is a public officer.

Superannuation benefits

16. Subject to any written law relating to pensions, the Council may—

- (a) grant gratuities or other retirement allowances or benefits to the employees of the Organisation;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Organisation; and
- (c) require any employee of the Organisation to contribute to the superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.

Power of Council
to delegate

17.—(1) Subject to subsection (4), the Council may, by instrument in writing under the seal of the Organisation, delegate to any Committee of its members or to any employee of the Organisation 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 Organisation 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 Council may at any time revoke a delegation made under this section, and no delegation so made shall prevent the Council from itself exercising the function or power delegated.

(4) The Council 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.

Funds of
Organisation
Act No.
8 of 2023 s. 42

18. The funds and resources of the Organisation shall consist of—

- (a) such sums as may be provided by Parliament for purposes of the Organisation;
- (b) such sums as the Organisation may receive either in the form of cess pursuant to section 19 or as fees for services rendered by the Organisation;
- (c) any grants, donations, bequests or other contributions made to the Organisation as provided in the other relevant legislations; and
- (d) any sums or property which may vest in the Organisation under this Act or any other written law or which may vest in the Organisation in any other manner in the performance of its functions.

Minister may
impose cess
on industrial
products
Act No.
8 of 2023 s. 43

19.—(1) Where the Minister considers it necessary in the public interest, he may, after consultation with the Minister responsible for finance, by order published in the *Gazette*, impose cess payable to the Organisation on industrial products specified in the order, and any firm or organisation producing the industrial product or products specified in the order, hereinafter referred to as the “specified enterprise”, shall take all necessary measures to pay to the Organisation such amount of cess and in such manner as may be specified in the order.

(2) Every amount of cess required to be paid under subsection (1) shall be paid by the specified enterprise to the Organisation, and the amount so payable shall be a debt due to the Organisation and may be recovered from the specified enterprise as a civil debt by a suit at the instance of the Director-General or any person authorised by him in that behalf.

(3) Where any amount of cess is due from any specified enterprise, the Director-General may file in a court having jurisdiction over the area in which the specified enterprise carries on business, a certificate stating—

- (a) the name and address of the specified enterprise from whom the amount is due; and
- (b) the amount due,

and upon the certificate being lodged in court the certificate shall be deemed to be a plaint duly lodged under Order XXXV of the Civil Procedure Code, and the court shall proceed in the matter in accordance with the provisions of that order, and in the event of a judgment being given in favour of the plaintiff the court shall pass a decree for payment by the defendant to the Organisation of the amount found due together with interest on that amount at five percent per month from the date on which the certificate was filed until payment.

(4) The provisions of subsection (3) shall apply notwithstanding that the amount involved exceeds the pecuniary jurisdiction of a court.

Cap. 33

(5) A certificate filed in a court pursuant to the provisions of subsection (3) shall, unless the contrary is proved, be conclusive evidence of the truth of the statements contained in that certificate.

Power of Council
to charge fees

20. For the proper performance of the functions of the Organisation, the Council shall, subject to any directions the Minister may give in that behalf, have power to charge fees for services rendered by the Organisation.

Investment
Cap. 53

21. With the prior approval of the Minister, the Council may invest any part of the moneys available in any fund of the Organisation in such investments as are authorised investments in relation to investments of funds by a trustee under the Trustee Investments Act.

Power to borrow

22.—(1) The Council may, with the prior approval of the Minister, borrow moneys for the purposes of the Organisation by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payments of interest as the Council may deem fit.

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

Annual and
supplementary
budgets

23.—(1) Subject to subsection (2), “financial year” in this Act means any period not exceeding twelve consecutive months designated by the Council as the accounting period of the Organisation.

(2) The first financial year of the Organisation shall commence on the date when this Act comes into operation and may be 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 Council shall, at a meeting, adopt a detailed budget, in this Act called the “annual budget” of the amounts respectively-

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Organisation during that financial year, and whenever circumstances so require, the Council may adopt 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 Council shall submit to the Minister for his approval the annual budget or 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 considers 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 Council which, subject to subsection (8), shall confine the disbursements of the Organisation within the items and amounts contained in the applicable estimates as approved by the Minister.

(8) The Council may-

- (a) with the sanction in writing 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.

Accounts and
audit
Act No.
8 of 2023 s. 44

24.-(1) The Council 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 Organisation; and
 - (b) the assets and liabilities of the Organisation,
- and shall cause to be made out for every financial year a financial statement showing the details of the income and expenditure of the Organisation and all its assets and liabilities.

Cap. 418

(2) Within six months of the close of every financial year, the accounts including the financial statement of the Organisation in respect of that financial year shall be audited by the Controller and Auditor-General established by the Public Audit Act.

(3) An audited financial statement shall be placed before a meeting of the Council which, if it adopts it, shall endorse the financial statement with a certificate that it has been so adopted.

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

Annual report

25. The Council 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 Organisation during that year and accompanied by-

- (a) a copy of the audited accounts of the Organisation;
- (b) a copy of the auditor's report, if any, on the accounts; and
- (c) such other information as the Minister may direct.

Laying of
accounts before
National
Assembly

26. The Minister shall, as soon as practicable after receiving them, lay before the National Assembly the audited accounts of the Organisation together with the auditor's report, if any, on the accounts and the annual report of the Organisation.

PART V

GENERAL PROVISIONS

Protection from
personal liability
Cap. 16
Cap. 76

27. Without prejudice to the provisions of section 284A of the Penal Code or of the Public Officers (Recovery of Debts) Act, no act or thing done or omitted to be done by any member

of the Council or by any employee of the Organisation shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Council or as an employee of the Organisation, subject him to any action, liability or demand of any kind.

Notification of orders

28. Where any order, direction or requirement made or given by the Minister or the Council under this Act is not required to be published in the *Gazette*, the order, direction or requirement shall be brought to the notice of person affected or likely to be affected by it in any manner determined by the Minister or the Council:

Provided that, if the order, direction or requirement is published in the *Gazette*, all persons shall be deemed to have had notice of it.

SCHEDULE

(Made under section 5(2))

PROVISIONS RELATING TO THE COUNCIL

Composition of Council
Act No.
8 of 2023 s. 45

1. The Council shall consist of-
(a) a Chairman, who shall be appointed by the President;
(b) the Director-General;
(c) not less than eight nor more than ten other members, who shall be appointed by the Minister.

Vice-Chairman

2. The members shall elect one of their member to be the Vice-Chairman of the Council, 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.

Duty of Minister to appoint able and prominent persons

3. In making appointments of members of the Council, the Minister shall ensure that a 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 deliberations of the Council and to assist the Council in the performance of its functions.

Tenure of appointment

4.-(1) Subject to subparagraph (2), a member of the Council 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) A member, other than a member referred to in subparagraph (2), may at any time resign by giving notice in writing to the President or 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.

Absent member
to be represented
at meetings

5. Where a member of the Council 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 to attend that meeting in his place.

Casual vacancies

6. Where a 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.

Meetings of
Council

7.-(1) The Council 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 Council, 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 Council 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 Council, but the person so invited shall not be entitled to vote.

Quorum

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

Decisions of
Council

9.-(1) Questions proposed at a meeting of the Council 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 Council 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.

Minutes of
meetings

10.-(1) The Council 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 Council shall be read and confirmed, or amended and confirmed, at the next meeting of the Council 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 Council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.
Vacancies, etc., not to invalidate proceedings	11. The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
Orders, directions, etc.	12. An order, direction, notice or document made or issued on behalf of the Council shall be signed by- (a) the Chairman of the Council; or (b) the Director-General or any other officer of the Organisation authorised in writing in that behalf by the Director-General.
Seal of Organisation	13. The seal of the Organisation shall not be affixed to any instrument except in the presence of the Chairman, the Vice-Chairman, the Director-General or some other officer of the Organisation and at least one member of the Council.
Council may regulate its own proceedings	14. Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

