

CHAPTER 176

THE TANZANIA ENGINEERING AND MANUFACTURING DESIGN ORGANISATION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 176

THE TANZANIA ENGINEERING AND MANUFACTURING DESIGN ORGANISATION ACT

An Act to establish the Tanzania Engineering and Manufacturing Design Organisation and to provide for the functions and powers of the Organisation in relation to the promotion of engineering, designing, manufacturing and machinery adaptation.

[1st June, 1982]

[GN. No. 72 of 1982]

Act No.
23 of 1980

PART I

PRELIMINARY PROVISIONS

Short title 1. This Act may be cited as the Tanzania Engineering and Manufacturing Design Organisation Act.

Interpretation 2. In this Act, unless the context requires otherwise-

“Board” means the Board of the Organisation established by section 5;

“Director General” means the Director General of the Organisation appointed under section 14;

“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 industries and trade;

“Organisation” means the Tanzania Engineering and Manufacturing Design Organisation established under section 3;

“technical committee” means a committee established under section 7.

PART II

THE TANZANIA ENGINEERING AND MANUFACTURING DESIGN ORGANISATION

Establishment of
Organisation

3.-(1) There is hereby established an Organisation to be known as the Tanzania Engineering and Manufacturing Design 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

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

- (a) to design and promote the designing of products and processes for Tanzanian industry in accordance with national industrial development policy;
- (b) to adapt foreign designs of machinery and equipment to suit local conditions of manufacture, use and maintenance;
- (c) to manufacture and develop prototypes and spares based on designs produced by the Organisation as well as those which may be brought to the Organisation;
- (d) to design tools, dies, jigs and fixtures required by the industrial sector;
- (e) to provide technical extension services including training aimed at increasing the skills of technical manpower at all levels and establishment in the country and enabling industry to produce the products or processes for mass marketing;
- (f) either alone or in co-operation with other bodies, to assist the industrial sector in solving production bottlenecks for the purposes of increasing productivity, capacity utilisation and quality of products;

- (g) to provide relevant information and advice to the industrial sector relating to production, purchase and supply, quality control, marketing and other related areas;
- (h) to identify and conduct short courses in so far as it is within the competence and capacity of the Organisation, and to co-operate with other institutions in the conduct of such courses;
- (i) to give on the job training to engineers in designing, production engineering, foundry technology, metrology and metallurgy;
- (j) to conduct a systematic on the job training, in tools, dies, presswork, specialised welding, design, draughtsmanship, mechanical and structural machinery maintenance and, for industrial electricians and electronic technicians;
- (k) to offer consultancy services on material testing, design and other technical undertakings;
- (l) to act as the national link with other international institutions engaged in activities related to the functions of the Organisation; and
- (m) to do such things incidental or conducive to the fulfilment of the objectives of the Organisation as the Board may decide.

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

- (a) undertake or assist the establishment, equipment and management of any centre or design office within Tanzania for the performance of any of its functions;
- (b) promote the national capability for, and carry out engineering designing manufacturing and machinery adaptation; and
- (c) provide to the industrial sector practical technical services by equipping itself with the necessary skilled manpower and physical facilities in the form of workshops, laboratories, design offices, and ancillary services.

(3) For the 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 engineering design generally.

Composition and
proceedings of
Board

5.-(1) There shall be established a Board of Directors 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 Board, its proceedings and other matters relating to it.

(3) Save in the case of matters relating to the 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 Schedule to this Act.

Minister may
give directions to
Board

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

PART III

POWERS AND OPERATIONS OF THE ORGANISATION

Promotion of
products and
process of design

7.-(1) The Board shall establish such number of technical committees as the circumstances may require which shall subject to such general or specific directions as the Board may give in that behalf, be responsible for the study of proposals for engineering design projects made to or by the Organisation.

(2) Subject to any directions given by the Board under subsection (1), where it appears to the Director General that it is necessary that any engineering design project be carried

out by the Organisation, he shall take all such measures as are necessary to facilitate the carrying out of the project or as the case may be, to obtain the decision of the Board on the proposals relating to that project.

(3) In determining whether or not any proposals for engineering design projects shall be carried out by the Organisation, the Director General or as the case may be, the Board, shall take into account-

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

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

Information
on engineering
design and
manufacturing to
be furnished to
Organisation

8.-(1) Every person engaged, or intending to engage in any project in engineering design or in manufacturing within Tanzania, shall at his own expense, furnish to the Organisation information relation to that project and shall make available to the Organisation copies of any relevant records in such form and within such period as may be prescribed.

(2) A person who contravenes or fails to comply with subsection (1) commits an offence and on conviction shall be liable to a fine not exceeding ten thousand shillings, but a person shall not be prosecuted for any offence under this section within twelve months after the commencement of this Act.

(3) Notwithstanding subsection (1), the Organisation may make arrangements with other firms or organisations engaged in engineering design or manufacturing, within or outside Tanzania, for the purposes of establishing a system of exchanging information relating to engineering design and manufacturing.

Organisation
may call for
information

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 any project in engineering design or manufacturing within Tanzania, to furnish to it such information relating to that project, as the Organisation may specify.

(2) Every 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, to a fine not exceeding fifteen thousand shillings.

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), any member of the Board or any officer of the Organisation who discloses to any person, except for the purposes of the performance of his duties or exercise of his power 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, as the case may be, 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 imprisonment for a term not exceeding twelve months or to both.

(4) Subsection (3) shall not apply to the disclosure of information made for the purposes of any legal proceedings instituted under this Act or for the purpose of a report relating to these 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 Board or an officer of the Organisation were references to a member or an officer of the institution or, as the case may be, the persons to whom the Organisation discloses the information.

Provisions
relating to
inventions

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

(2) For the 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 Board.

(3) The Organisation may, with the prior approval of the Minister, enter into any arrangement under subsection (2) the terms of which require 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) Every invention made as a result of any project 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 the invention such reward as may be approved by the Board.

Co-ordination
of projects to
be carried out
outside Tanzania

12.—(1) Whenever a person desires to sponsor any project in engineering design or manufacturing to be carried out outside, or to make payments for the purposes or participating in such project outside the United Republic, he shall first submit his proposals in that behalf in writing to the Organisation.

(2) Upon receipt of proposals submitted to it pursuant to subsection (1), the Organisation shall hold consultations with the person who submitted the proposals, and on completion of those consultations, the Organisation shall make such decision in relation to the proposals as will, in the opinion of the Organisation, serve the best interests of industrial development in Tanzania.

(3) Every decision made by the Organisation under subsection (2) shall be binding upon every person affected by it, but where any of those persons is aggrieved by the decision of the Organisation he may appeal to the Minister and the decision of the Minister on the matter shall be final.

(4) For the purposes of giving effect to the provisions of this section, the Organisation may, with the approval of the Minister, issue guidelines specifying the conditions to be observed in making proposals or specifying matters which the Organisation shall take into consideration in making a decision under this section.

(5) The Minister may, by directions in writing under his hand, exempt any person or body of persons or any category of persons from the provisions of subsection (1).

Power of
Minister to make
regulations

13.—(1) The Minister may, after consultation with the Board, make regulations for the purposes of giving effect to the 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 engineering, designing, manufacturing or machinery adaptation 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 made available to the Organisation;
- (c) prescribing the form of, and the procedure by which, proposals for sponsoring any project in engineering design or manufacturing intended to be carried out outside Tanzania, shall be made to the Organisation; and
- (d) 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 Board 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
Board

15.—(1) Subject to subsection (2), the members shall be entitled to such remuneration, fees or allowance for expenses as the Minister may, upon the recommendation of the Board, 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 Board who is a public officer.

Superannuation
benefits

16. Subject to 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 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 Board to
delegate

17.—(1) Subject to subsection (4), the Board 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, and 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 not 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 delegation 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.

Funds of
Organisation

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

- (a) such sums as may be provided by Parliament for the purposes of the Organisation;
- (b) such sums as the Organisation may receive either in the form of contributions made pursuant to section 19 or as fees for services rendered by the Organisation; and
- (c) any sums or property which may vest in the Organisation in any other manner.

Minister may
impose cess on
products and
services

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 products and services specified in the order, and any firm or organisation producing the product, products or services specified in the order, hereinafter referred to as the "specified enterprise", shall 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 of a

resident magistrate 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,

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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 full payment.

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

(5) Every certificate filed in a court of a resident magistrate 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 Board to
charge fees

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

Investment

21. The Board may, with the approval of the Minister, invest any part of the moneys available in any fund of the Organisation in such investments as authorised investments in relation to investments of funds by a trustee under the Trustee Investment Act.

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Power to borrow **22.**—(1) The Board may, with the approval of the Minister, borrow monies 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 payment of interest as the Board may deem fit.

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

Annual and
supplementary
budget

23.—(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 Organisation.

(2) The first financial year of the Organisation 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 amount 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 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 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 Board 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 Board may-

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that disbursement is not provided for in any budget; and
- (b) adjust expenditure limits to take account of the circumstance 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

24.-(1) The Board shall cause to be provided and kept proper books of accounts and record 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 balance sheet showing the details of the income and expenditure of the Organisation 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 Organisation in respect of that financial year shall be audited by Controller and Auditor-General in accordance with the Public Audit Act.

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

Cap. 418

Annual report **25.** 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 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 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, an act or thing done or committed *bona fide* in the execution or purported execution of his duties as a member of the Board or as an employee of the Organisation, shall not subject him to any action, liability or demand of any kind.

Notification of orders **28.** Where an 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:

Provided that where 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))

THE COMPOSITION, FUNCTIONS AND PRODECURE OF THE BOARD

Composition of Board	1.—(1) The Board of Directors shall consist of- (a) Chairman, who shall be appointed by the President; (b) the Director General; and (c) not less than eight nor more than sixteen other members, who shall be appointed by the Minister. (2) The Board may appoint any employee of the Organisation to be a Secretary to the Board.
Vice-Chairman	2. 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.
Duty of Minister to appoint persons	3. 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, has the necessary experience or qualification to enable that person to make a useful contribution to deliberations of the Board and to assist the Board in the performance of its functions.
Tenure of appointment	4.—(1) Subject to subparagraph (2), a member of the Board shall, unless his appointment is sooner terminated 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 where 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, 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.
Casual vacancies	5. 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 remaining term of office of his predecessor.

Meetings of Board	6.—(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 in every, three months. (2) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board, and shall call a special meeting upon a written request by a majority of the members in office. (3) 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.
Quorum	7. The quorum at any meeting of the Board shall be half of the members in office.
Decisions of Board	8.—(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 of the views of the majority of the members.
Minutes of meetings	9.—(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.
Vacancies, etc., not to invalidate proceedings	10. 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 of them.
Orders, directions, etc.	11. All orders, directions, notices or documents made or issued on behalf of the Board shall be signed by- - the Chairman of the Board; or - the Director General or any other officer of the Organisation authorised in writing in that behalf by the Director General.

Seal of
Organisation

12. The seal of the Organisation 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 Organisation and at least one member of the Board.

Board may
regulate its
proceedings

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

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