

CHAPTER 250
THE PREFERENTIAL TRADE AREA
(IMPLEMENTATION) ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

Section Title

1. Short title and application.
2. Interpretation.
3. Preferential Trade Area to have capacity of body corporate.
4. Provisions of Treaty to have force of law.
5. Modification, adaptation and qualification of laws.
6. Financial provisions.
7. Powers of Authority.
8. Tribunal.

SCHEDULE

CHAPTER 250

THE PREFERENTIAL TRADE AREA (IMPLEMENTATION) ACT

An Act to provide for giving effect to certain provisions of the Treaty for the Preferential Trade Area for Eastern and Southern African States and for related matters.

[16th August, 1991]

Act No.
14 of 1991

WHEREAS the Treaty for the Preferential Trade Area for the Eastern and Southern African States (which is set out in the Schedule to this Act) was signed on behalf of the Government of the People's Republic of Angola, the Republic of Botswana, the Republic of Burundi, the Federal Islamic Republic of Comoros, the Republic of Djibouti, Socialist Ethiopia, the Republic of Kenya, the Kingdom of Lesotho, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the People's Republic of Mozambique, the Republic of Rwanda, the Republic of Seychelles, the Somali Democratic Republic, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe;

AND WHEREAS it is expedient to make provisions for giving effect to certain provisions contained in the said Treaty;

NOW, THEREFORE, BE IT ENACTED by the Parliament of the United Republic as follows:

Short title and
application

1. This Act may be cited as the Preferential Trade Area (Implementation) Act and applies to Mainland Tanzania as well as Tanzania Zanzibar.

Interpretation

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

“Authority” means the Authority of the Preferential Trade Area established by Article 6;

“Budget” means the Budget of the Preferential Trade Area referred to in Article 36;

“Preferential Trade Area” means the Preferential Trade Area for Eastern and Southern African States established by Article 2 of the Treaty;

“the Treaty” means the Treaty for the establishment of the Preferential Trade Area for Eastern and Southern African States.

Preferential Trade Area to have capacity of body corporate

3.-(1) The Preferential Trade Area shall, within the United Republic, have the capacity of a body corporate with perpetual succession and shall have power to acquire, hold, manage and dispose of property, and to sue and be sued in its own name.

(2) The Preferential Trade Area shall have power to perform any of the functions conferred upon it by the Treaty and to do all things that in the opinion of the Authority are necessary or desirable for the performance of those functions.

(3) The provisions of subsection (2) relate only to the capacity of the Preferential Trade Area as a body corporate and nothing in that subsection shall be construed as authorising the disregard by the Preferential Trade Area of any law, or as affecting any power of the Preferential Trade Area conferred by any law.

Provisions of Treaty to have force of law

4. The provisions of the Treaty set out in the Schedule to this Act shall have the force of law in the United Republic.

Modification, adaptation and qualification of laws

5.-(1) The provisions amending or repealing and replacing the Treaty shall have the force of law in the United Republic.

(2) Where the Treaty is amended or modified, the Attorney General shall cause a notice of amendment or modification and the date when the amendment or modification comes or is deemed to have come into operation to be published in the

Gazette and a copy of the notice to be laid before the National Assembly without delay.

(3) As soon as possible after the coming into operation of this Act, the President shall make appropriate arrangements as may appear to him to be necessary or expedient for enabling amendments to be made to any written law in order to bring that law in conformity with the provisions of the Treaty as amended or modified.

Cap. 1

(4) The Interpretation of Laws Act shall not apply to the interpretation of the provisions of the Treaty.

Financial
provisions

6.—(1) There shall be charged and paid out of the Consolidated Fund without further appropriation all payments required to be made by the Government to the Budget under the terms of the Treaty.

(2) For the purpose of providing any sums required for making payments under this section, the Minister responsible for finance may, on behalf of the Government, make such arrangements as are necessary, or raise loans by the creation and issue of securities bearing such rates of interest and subject to such conditions as to repayment, redemption or otherwise as he thinks fit, and the principal and interest of those securities and the charges and expenses incurred in connection with their issue shall be charged on and issued out of the Consolidated Fund.

(3) Money received by the Government under the Treaty or raised under subsection (2), shall be paid into and form part of the Consolidated Fund and shall be available in any manner in which the Consolidated Fund is available.

Powers of
Authority

7. Notwithstanding the provisions of this Act, the Authority shall have power to make decisions with respect to—

- (a) the gradual reduction and eventual elimination of customs duties and non-tariff barriers to trade conducted among member states, and the evolution of a common external tariff in respect of goods imported

from countries with a view to the eventual establishment of a common market among member states;

- (b) co-operation in particular fields relating to transport and communications, industrial development, agricultural development, trade documents and procedures, standardisation and quality control of goods;
- (c) co-operation in other fields taken in common to further the aim of the Preferential Trade Area and the implementation of the provisions of the Treaty.

Tribunal

8. Procedure for the settlement of disputes made under Article 40 of the Treaty by the Tribunal established by Article 10 of the Treaty shall, in relation to summoning of witnesses and the conduct of the proceedings of the Tribunal have the force of law in the United Republic.

SCHEDULE

[Omitted: Treaty for the Establishment of the Preferential Trade Area for Eastern and Southern African States.]
