

CHAPTER 376
THE PYRETHRUM INDUSTRY ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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CHAPTER 376

THE PYRETHRUM INDUSTRY ACT*

An Act to repeal the Pyrethrum Ordinance and enact the Pyrethrum Industry Act to provide for regulation improvement and development of the pyrethrum industry.

[1st October, 1997]

[GN. No. 689 of 1997]

Acts Nos.
1 of 1997
20 of 2009

PART I

PRELIMINARY PROVISIONS

Short title
Act No.
20 of 2009 s. 75

1. This Act may be cited as the Pyrethrum Industry Act.

Interpretation
Act No.
20 of 2009 s. 76

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

“Board” means the Tanzania Pyrethrum Board established under section 3;

“contract farming” means farming under an agreement between financiers or pyrethrum buyers on the one part and pyrethrum producers on the other part;

“Director” means the director responsible for crops;

“Director General” means the chief executive officer of the Pyrethrum Board;

“input” means planting materials, splits, agrochemicals, fertilizers, farm implements and packaging materials;

“local government authority” means a district authority, or an urban authority established under the Local

* Through Act No. 20 of 2009 s. 75, the short title of the Act was amended to read as the “Pyrethrum Industry Act”. However, this amendment was not reflected in the long title of the Act, hence the long title is accordingly amended in order to effect such amendment.

- Caps. 287 and 288 Government (District Authorities) Act and the Local Government (Urban Authorities) Act;
- “Minister” means the minister responsible for agriculture;
- “Northern area” includes Arusha, Kilimanjaro and Tanga regions;
- “pyrethrum” means the plant known botanically as *Chrysanthemum cinerariifolium* or any part thereof, and includes the dried flowers and any product of such plant;
- “Pyrethrum Growers Association” means an association of licensed pyrethrum growers including a cooperative society the constitution and rules of which have been approved by the Minister and includes the Northern Area Pyrethrum Growers Association and the Southern Area Pyrethrum Growers Association;
- “regulatory function” means public function and includes quality control and licensing, data collection and dissemination, market information enforcement of law and order, making and enforcing rules and regulations for proper production, processing, setting indicative prices, marketing importation and storage of pyrethrum inputs and products and such other functions financed exclusively by the Government;
- “sell” includes agreement of contract to sell;
- “shared function” means joint function to be undertaken by all pyrethrum stakeholders as agreed, including research, extension services, inputs supply and improvement, pyrethrum crop development, promotion and promotion of fair trade and competition, collecting, refining, maintaining and disseminating data relating to the pyrethrum industry, improving technologies and delivery system;
- “Southern area” includes Iringa, Mbeya and Rukwa regions;
- “stakeholder” means a dealer in the pyrethrum industry and it includes the Government, local government authorities, pyrethrum growers association, cooperative societies, the pyrethrum board, private buyers and any other person with a vested interest in the pyrethrum industry; and

“stakeholders’ meeting” means the meeting for all stakeholders to be held at least once a year to agree on the management, funding and implementation or otherwise of the shared functions and other matters of common interest to the stakeholders.

PART II

THE TANZANIA PYRETHRUM BOARD

Establishment
and constitution
of Board
Act No.
20 of 2009 s. 77

3.-(1) There shall be established a Board to be known as the Tanzania Pyrethrum Board whose directors shall consist of-

- (a) such number of persons appointed by the Minister being not less than two but not more than four as the Minister may decide, and being persons from Southern Tanzania Pyrethrum Growing Area or nominated by the Pyrethrum Growing Association;
- (b) such number of persons appointed by the Minister being not fewer than one but not more than two as the Minister may decide, and being persons from Northern Tanzania Pyrethrum Growers Area or nominated by the Pyrethrum stakeholders; and
- (c) not more than two other persons appointed by the Minister from amongst persons who, in his opinion, possess knowledge and experience likely to be of benefit to pyrethrum industry.

(2) Notwithstanding the provisions of subsection (1), the Minister may, after consultation with the Board, by notice in the *Gazette*, vary the composition of the Board and the authorities or associations entitled to nominate members.

(3) The members appointed under paragraphs (a) and (b) of subsection (1) shall, unless their appointments are for a lesser period or are previously revoked, hold office for three years and shall be eligible for recommendation and reappointment.

(4) A member appointed under paragraph (c) of subsection (1) shall, unless his appointment is previously

revoked, hold office for such period as the Minister shall specify in the member's letter of appointment, and shall be eligible for reappointment.

(5) The Chairman of the Board shall be appointed by the President and the Vice-Chairman shall be elected annually from amongst the members.

Board to be body
corporate

4.-(1) The Board shall be a body corporate having perpetual succession, and may in its corporate name, sue and be sued and, for and in connection with the purposes of this Act, may purchase, hold, manage and dispose of real and personal property and may enter into such contracts as may be necessary or expedient.

(2) The Board shall have a common seal and the seal of the Board shall be authenticated by the signature of the Chairman of the Board or of some other member of the Board authorised by the Chairman to act in his stead in that behalf, and of the secretary to the Board, or some person authorised by the Board to act in his stead in that behalf.

(3) Subject to any directions by the Minister, the Board shall without further assurance under this Act, continue to own all its assets and liabilities.

Functions of
Board
Act No.
20 of 2009 s. 78

5. The Board shall carry out regulatory functions and such other activities necessary, advantageous or proper for the benefit of the pyrethrum industry and in particular shall include to-

- (a) consider and advise the Minister upon measures for the promotion, development and regulation of the pyrethrum industry;
- (b) receive, consider and advise the Minister upon any recommendations, advanced by pyrethrum producers on their association in the interest of the pyrethrum industry;
- (c) issue license to persons engaged in production, buying, processing and marketing of pyrethrum;
- (d) ensure fair trade, competition and monitor prices as determined by market force;

- (e) advise the Government on matters arising from the stakeholders meeting of strategy and policy related to the development for the pyrethrum industry;
- (f) represent the Government in local and international fora in matters relating to the pyrethrum industry;
- (g) enforce quality standards for production and processing of pyrethrum;
- (h) enforce regulations for control of pests and diseases; and
- (i) generally, exercise the powers conferred and to carry on the duties imposed on it under the provisions of this Act or any rules made thereunder and to do all such things as in the opinion of the Board, may be necessary, for the development of the pyrethrum industry.

Minister may
vary Board
functions

6. The Minister may, by an order published in the *Gazette*, add to, subtract from or vary the functions of the Board hereinafter provided.

Repealed

7. [Repealed by Act No. 20 of 2009, s.79.]

Power to delegate

8. The Board may, by resolution, delegate to any committee, member, officer or employee of the Board the exercise of any of the powers which the Board is authorised by this Act to exercise, either generally or in any particular case.

Meetings and
procedure of
Board

9.—(1) Ordinary meetings of the Board shall be convened by the Chairman or if the Chairman is temporarily absent from the United Republic, or is incapacitated by illness or other sufficient cause from performing the duties of his office, by the Vice-Chairman and notice specifying the place, day and hour of the meeting shall be given to each member by being delivered at, or sent by post or otherwise to, his usual place of business or residence at least fourteen days before the date of such meeting.

(2) The Chairman or if the Chairman is temporarily absent from the United Republic or is incapacitated by illness or

other sufficient cause from performing the duties of his office, the Vice-Chairman shall, at any time be bound to convene a special meeting of the Board upon receipt of a request signed by two members of the Board calling upon him so to do, but not less than twenty one days' notice of such a meeting shall be given to all members within the United Republic.

(3) At every meeting of the Board, fifty *per centum* of members shall form a quorum.

(4) In the absence of the Chairman and Vice-Chairman from any meeting of the Board, the Chairman for such meeting shall be chosen from the members present.

(5) The Chairman shall have a casting and a deliberative vote, and decisions of the majority of members present and voting at a meeting of the Board shall be deemed to be decisions of the Board.

(6) Subject to the provisions of section 8, all acts, matters or things authorised or required to be done by the Board shall be decided by resolution at any meeting at which a quorum is present.

(7) Subject to the provisions of this section, the Board shall have power to regulate its own proceedings.

(8) The Board shall meet at least four times a year.

Remuneration of members

10. The Board may pay such travelling and other expenses as may have been reasonable incurred by its members in the performance of their duties under the Act and may, with the approval of the Minister, pay the members such other remuneration as it may determine.

Appointment of Director General
Act No.
20 of 2009 s. 80

11.—(1) The Minister shall, upon recommendation of the Board of Directors, appoint the Director General who shall be the Secretary of the Board.

(2) The Board may—

(a) appoint at such salaries and upon such terms and conditions as it may think fit, such officers and employees as it may deem necessary for the proper and efficient functions of the Board;

- (b) grant pensions, gratuities or retiring allowances to any officer or employee and may require officers and employees to contribute to any pension or superannuation scheme;
- (c) establish and make contributions to a pension or superannuation fund or a medical fund for its offices and employees;
- (d) appoint and employ upon such terms and conditions such agents and contractors as it may deem necessary.

Liability of members, employees of Board, etc.

12. A matter or thing done by the Chairman or any other member, or any officer or employee of the Board shall not, if the matter or thing be done *bona fide* for the purpose of exercising any provision of this Act render such Chairman, member, officer or employee or any person acting by his directions, personally responsible for any action, liability, claim or demand whatsoever.

Annual report

13. The Board shall prepare an annual report on its operations, and such report shall be published in such manner as the Minister may direct and shall be laid on the table of the National Assembly.

PART III

FINANCIAL PROVISIONS

Stakeholders meeting
Act No.
20 of 2009 s. 81

14.-(1) For the purpose of promoting the development of the pyrethrum industry, there shall be a stakeholder's forum which shall be responsible for -

- (a) putting in place mechanisms for the management and funding of the shared functions;
- (b) making procedures for conducting the annual general meetings;
- (c) determining modalities for financing its activities and meetings; and
- (d) establishing stakeholders' secretariat and other organs for better carrying out the shared functions.

(2) The stakeholders' shall meet at least once a year to agree on the funding and implementation of the shared functions and other matters.

Funds and
resources
Act No.
20 of 2009 s. 82

15. The funds and resources of the Board shall consist of-

- (a) such sums as may be voted for the purpose by Parliament; and
- (b) any sum or property which may in any manner become payable to or vested in the Board as a result of the performance of its functions.

Financing of
shared functions
Act No.
20 of 2009 s. 83

16. For the purpose of financing shared functions, stakeholders may put in place a mechanism for the management and mode of contribution.

Repealed

17. [Repealed by Act No. 20 of 2009 s. 84.]

Power to raise or
borrow money

18. The Board may, with the prior approval of the Minister, raise or borrow, whether by way of mortgage, bank overdraft or otherwise, such sum of money for or in connection with the exercise of its functions, powers and duties under this Act as the Board may deem necessary.

Power to invest

19. Subject to the prior approval in writing of the Minister and in consultation with the Minister responsible for finance, the Board may participate in any investment as the Board may think fit and may vary, withdraw or realise any such investments.

Books of accounts
and audit
Act No.
20 of 2009 s. 85

20.-(1) The Board shall cause to be kept proper books of accounts with respect to-

- (a) all sums of money received and expended by the Board and matters in respect of which the receipt and expenditure take place;
- (b) the assets and liabilities of the Board; and shall cause to be made out in every financial year a balance sheet showing in detail the assets and liabilities, and the

income and expenditure of the Board and every such balance sheet shall contain a certificate by the Board that it has adopted the same.

(2) The accounts of the Board may be audited annually by the Controller and Auditor-General.

(3) The report of the auditor appointed under the provisions of subsection (2) shall state-

- (a) whether he has obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purposes of his audit;
- (b) whether, in his opinion, proper books of accounts have been kept by the Board so far as appears from his examination of those books;
- (c) whether the balance sheet and income and expenditure account are in agreement with the books of accounts; and
- (d) whether in his opinion and in the best of his information and according to the explanations given to him, the income and expenditure account gives a true and fair view of the income and expenditure for the year and the balance sheet given a true and fair view of the state of the Board's affairs at the end of the financial year.

(4) A copy of the accountants, audited in accordance with subsection (2), together with the report of the auditor shall be laid on the table of the National Assembly by the Minister.

PART IV MISCELLANEOUS PROVISIONS

Rules

21.-(1) The Board shall, after obtaining approval of the Minister, make rules generally for the better carrying out of the purposes and provisions of this Act and, without prejudice to the generality of the foregoing, make rules in respect of any or all of the following matters-

- (a) regulating the production, marketing and processing of pyrethrum growing in the United Republic;

- (b) providing for the submission of reports, information and statistics by pyrethrum producers to the Board or the Commissioner relating to the production of pyrethrum and the quantities of pyrethrum which are expected to be available for marketing;
- (c) providing for the grading of pyrethrum;
- (d) prescribing the grades of pyrethrum;
- (e) prescribing the form of any permit, export or exemption to be issued under this Act and the form of application thereof and prescribing the fees to be paid in respect of such permit or export licence;
- (f) prescribing the procedure for the collection and use of any levy imposed under this Act; and
- (g) prescribing anything which is to be prescribed under this Act.

(2) Any such rules made hereunder may require acts or things to be performed or done to the satisfaction of the Board and may prohibit acts or things from being performed or done without the prior approval of the Board, may empower the Board to impose conditions and may prescribe periods or dates upon, within or before which, such acts or things shall be performed or done or undone and such conditions shall be fulfilled.

(3) Rules made under this section-

- (a) may be of general application throughout the United Republic, or any of such rules may be limited in their application to certain areas of the United Republic or otherwise as the Board may think fit; and
- (b) may fix penalties for the breach thereof not in excess of a fine of one hundred thousand shillings or twelve months imprisonment, or both such fine and imprisonment.

Repeal and
savings
Ord. No.
1 of 1960

22.-(1) [Repeals the Pyrethrum Ordinance.]

(2) A licence or permit issued under the Ordinance hereby repealed and substituting at the date of the coming into operation of this Act shall be deemed to have been issued under this Act.

Appeals
Act No.
20 of 2009 s. 86

23. A person aggrieved by the decision of the Board on matters which are regulatory in nature may, within sixty days from the date of the decision, appeal in writing to the Minister.

Contract farming
Act No.
20 of 2009 s. 86

24.—(1) A registered farmer may, for the purpose of facilitating farming activities, enter into a contract farming with financier pyrethrum buyers, processor, investors or banker.

(2) The contract farming entered into under subsection (1) shall be in the prescribed standard form and shall contain—

- (a) name, address and status of the registered farmer;
- (b) name, address and status of the financier;
- (c) obligations of the parties;
- (d) type or kind of facilitation to be granted to the farmer;
- (e) terms and conditions imposed on the farmer; and
- (f) such other information as may be necessary for the purpose of the contract farming.

(3) Every contract farming entered into under this section shall be submitted to the Board for perusal and registration.

(4) The Board shall monitor the implementation of contract farming in order to protect rights of both parties.

(5) A person being a financier, pyrethrum buyer, processor, investor or banker shall not facilitate a registered farmer in any manner without a contract of farming as required under this section.

(6) A person who contravenes this section, commits an offence and on conviction, shall be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than six months but not more than two years or to both.

Power to make
by-laws
Act No.
20 of 2009 s. 86

25. The local government authorities may, in consultation with the Minister, make by-laws for the better carrying out of the shared functions agreed upon by stakeholders in the pyrethrum industry.

