

THE TANZANIA INDUSTRIAL RESEARCH AND DEVELOPMENT ORGANIZATION ACT, 1979

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THE UNITED REPUBLIC OF TANZANIA



No. 5 OF 1979

I ASSENT,

Julius K. Nyerere
.....
President

5TH. MARCH, 1979

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

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Tanzania Industrial Research and Development Organization Act, 1979, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint. Short title and commencement

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

Interpretation

“the Council” means the Council of the Organization established under section 5;

“Director-General” means the Director-General of the Organization 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 for the time being responsible for industries;

“the Organization” means the Tanzania Industrial Research and Development Organization established by section 3;

“technical programmes committee” means the committee established under section 7 (1).

PART II

THE TANZANIA INDUSTRIAL RESEARCH AND DEVELOPMENT ORGANIZATION

Establishment of the Organization

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

(2) The Organization 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;
- (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 the Organization

4.—(1) The functions of the Organization shall be—

- (a) to carry out, and promote the carrying out of, applied research designed to facilitate the evaluation, development and use of local materials in industrial processes;
- (b) to 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) to promote, or provide facilities for, the training of local personnel for carrying out scientific and industrial research;
- (d) to monitor and co-ordinate applied research carried out within Tanzania, or elsewhere on behalf of or for the benefit of the Government of Tanzania, and to evaluate the findings of that research;
- (e) to establish a system for the registration of, and to register, the findings of applied research carried out within Tanzania, and to promote the practical application of those findings in industrial production;
- (f) to establish and operate a system of documentation and dissemination of information on any aspect of applied research carried out by or on behalf of the Organization;
- (g) to provide to the Government, and to firms or organizations engaged in industrial production, technical and advisory services, and advice and guidance on technical matters, necessary for the furtherance of, or relating to, industrial activity;
- (h) to advise the Government and firms or organizations engaged in industrial production, on the adaptation of technology in industrial production;
- (i) to provide to the Government, and to firms or organizations engaged in industrial production, advice and assistance relating to the provision of technical facilities in industrial enterprises, and the establishment of systems for the control and regulation of industrial processes, so as to improve performance and to avert or minimize the sources of industrial pollution;

(j) to do any thing which may be necessary to uphold and support the credit of the Organization, to obtain and justify public confidence, to avert or minimize any loss to the Organization and to facilitate the proper and efficient performance of its functions.

(2) In particular, but without prejudice to the generality of subsection (1), the Organization 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 plants, machinery and equipment for manufacture or use in Tanzania;

(e) provide to industrial enterprises technical services connected with the repair and maintenance of industrial plants, machinery and equipment.

(3) For the purposes of the better performance of its functions the Organization 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.

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

Composition
and proceedings
of Council

(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, add to, vary or replace any of the other provisions of the Schedule to this Act.

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

Minister
may give
directions
to Council

PART III

POWERS AND OPERATIONS OF THE ORGANIZATION

Provisions
relating to
research

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 Organization.

(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 Organization in the performance of its functions, he shall take all such measures as are necessary to facilitate the carrying out of the research or, as the case may be, 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 Organization, the Director-General or, as the case may be, the Council, shall take into account—

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

(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.

Information
on techno-
logical re-
search to be
furnished
to the
Organization

8.—(1) Every person engaged, or intending to engage, in technological research within the United Republic shall, at his own expense, furnish to the Organization information relating to that research and shall make available to the Organization copies of any relevant records or findings in such form and within such periods as may be prescribed.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings, but no person shall be prosecuted for any offence under this section within twelve months after the commencement of this Act.

(3) Notwithstanding subsection (1), the Organization may enter into arrangements with firms or organizations engaged in industrial research, within or outside Tanzania, for the purposes of establishing a system of exchanging information relating to industrial research.

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

(2) Every firm or organization which is required to furnish information under subsection (1) shall comply with the requirement and any firm or organization which refuses or fails to comply with that requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings.

10.—(1) All information furnished to the Organization pursuant to section 8 or 9 shall be kept by the Organization 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. Custody and disclosure of information furnished to the Organization

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

(3) Subject to subsection (4), any member of the Council or any officer of the Organization 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 Organization 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, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand shillings or imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

(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 purposes of a report relating to those proceedings.

(5) Subject to subsection (4), where, in the performance of its functions, the Organization discloses to any institution or person any information furnished to it pursuant to section 8 or section 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 Organization were references to a member or an officer of the institution or, as the case may be, the person to whom the Organization discloses the information.

11.—(1) Where as a result of any research carried out by or on behalf of the Organization anything is invented, the invention shall become the property of the Organization. Provisions relating to inventions

(2) For the purposes of the commercial exploitation of any invention which the Organization considers important for, or incidental to, the performance of its functions, the Organization 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 Organization may, with the prior approval of the Minister, enter into any arrangement under subsection (2) one of the terms of which requires the Organization 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 Organization 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 Organization for any one financial year.

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

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

Co-ordination of researches to be carried out outside Tanzania

12.—(1) Whenever any person desires to sponsor any industrial research project to be carried out outside Tanzania, or to make payments for the purpose of participating in an industrial research project outside Tanzania, he shall first submit his proposals in that behalf in writing to the Organization.

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

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

(4) For the purposes of giving effect to the purposes and the provisions of this section the Organization may, with the approval of the Minister, issue guidelines specifying the conditions which should be observed in making proposals and also specifying matters which the Organization 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).

13.—(1) The Minister may, after consultation with the Council, make regulations necessary to give effect to the purposes and provisions of this Act. Power of Minister to make regulations

(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 Organization 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 Organization under this Act shall be furnished or made available to the Organization;
 - (c) prescribing the form in which and the procedure by which proposals shall be made to the Organization for the sponsoring of technological research to be carried out outside Tanzania;
 - (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

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

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

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 from time to time. Remuneration of members of Council

(2) No remuneration, fees or allowances, except such allowances for expenses as may be expressly authorized by the Minister, shall be paid to any member of the Council who is a public officer.

16. Subject to any written law for the time being in force relating to pensions, the Council may— Superannuation benefits Acts, 1978 No. 14

- (a) grant gratuities or other retirement allowances or benefits to the employees of the Organization;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Organization;
- (c) require any employee of the Organization 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, from time to time, by instrument in writing under the seal of the Organization, delegate to any committee of its members or to any employee of the Organization 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 Organization 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 the
Organization

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

- (a) such sums as may be provided by Parliament for the purposes of the Organization;
- (b) such sums as the Organization may receive either in the form of cess pursuant to section 19 or as fees for services rendered by the Organization;
- (c) any sums or property which may vest in the Organization under this Act or any other written law or which may vest in the Organization in any other manner in the performance of its functions.

Minister may
impose cess
on industrial
products

19.—(1) If the Minister considers it necessary in the public interest, he may, after consultation with the Minister for the time being responsible for finance, by Order published in the *Gazette*, impose cess payable to the Organization on industrial products specified in the order, and any firm or organization 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 Organization 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 Organization, and the amount so payable shall be a debt due to the Organization 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 authorized 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,

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, 1966, 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 Organization of the amount found due together with interest on that amount at five per cent per month from the date on which the certificate was filed until payment.

Acts, 1966
No. 49

(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.

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

Power of
Council to
charge fees

21. With the prior approval of the Minister, the Council may, from time to time, invest any part of the moneys available in any fund of the Organization in such investments as are authorized investments in relation to investments of funds by a trustee under the Trustees Investments Act, 1967.

Investment

Acts, 1967
No. 33

22.—(1) The Council may, from time to time, with the prior approval of the Minister, borrow moneys for the purposes of the Organization 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.

Power to
borrow

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

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 Organization.

Annual and
supplementary
budget

(2) The first financial year of the Organization 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 Council shall, at a meeting, pass 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 Organization during that financial year, and whenever circumstances so require, the Council 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 Council 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 Council which, subject to subsection (8), shall confine the disbursements of the Organization 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

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 Organization;
- (b) the assets and liabilities of the Organization,

and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Organization 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 Organization in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

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

(4) As soon as the accounts of the Organization 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 auditors on the statement of accounts.

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 Organization during that year and accompanied by—

Annual report

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

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

Laying of accounts before National Assembly

PART V

GENERAL PROVISIONS

27. Without prejudice to the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts) Act, 1970, or of the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done or omitted to be done by any member of the Council or by any employee of the Organization 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 Organization, subject him to any action, liability or demand of any kind.

Protection from personal liability Cap. 16 Acts, 1970 No. 7 Acts, 1974 No. 37

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 persons affected or likely to be affected by it in any manner determined by the Minister or the Council:

Notification of orders

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

(Section 5 (2))

1.—(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 sixteen other members, who shall be appointed by the Minister.

Composition of Council

(2) The Council may appoint any employee of the Organization to be the Secretary of the Council.

Vice-Chairman 2. The members shall elect one of their number 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 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 Council and to assist the Council in the performance of its functions.

Tenure of Appointment 4.—(1) Subject to sub-paragraph (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) Any member, other than a member referred to in sub-paragraph (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.

Absent member to be represented at meetings 5. If 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 organization to attend that meeting in his place.

Casual vacancies 6. 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.

Meetings of the 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. 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 any 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 the 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 sub-paragraph (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.

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.

Vacancies, etc., not to invalidate proceedings

12. All orders, directions, notices or documents made or issued on behalf of the Council shall be signed by—

Orders, directions etc.

- (a) the Chairman of the Council; or
- (b) the Director-General or any other officer of the Organization authorized in writing in that behalf by the Director-General.

13. The seal of the Organization 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 Organization and at least one member of the Council.

Seal of the Organization

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

Council may regulate its own proceedings

Passed in the National Assembly on the twenty-third day of January, 1979.

.....
Clerk of the National Assembly