



CHAPTER 177

THE GOVERNMENT CHEMIST LABORATORY AUTHORITY ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 177

THE GOVERNMENT CHEMIST LABORATORY AUTHORITY ACT

An Act to provide for the establishment of the Government Chemist Laboratory Authority; to provide for its powers and functions; and to provide for matters related thereto.

[5th April, 2017]

[GN. No. 248 of 2017]

Act No.
8 of 2016

PART I

PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the Government Chemist Laboratory Authority Act.
- Application **2.** This Act shall apply to Mainland Tanzania.
- Interpretation **3.** In this Act, unless the context otherwise requires-
“Authority” means the Government Chemist Laboratory Authority established under section 4;
“Board” means the Board of Directors of the Authority established pursuant to section 7;
“chemical” means any industrial chemical, consumer chemical or any chemical product thereof which is-
 (a) a substance in any form, whether by itself or in a mixture or preparation; and
 (b) either manufactured or obtained from nature;
“Chief Government Chemist” means a person appointed under section 10;
“consumer chemical” means any chemical or chemical product used or intended for use in domestic household or in a non-industrial process;

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- “dealer” means a person engaged in the sale, distribution, use or handling of a chemical in any means;
- “DNA” has the same meaning ascribed to it under the Human DNA Regulation Act;
- “forensic science” means discipline of forensic toxicology, chemistry and biology used to discover information about crime by scientifically examining objects or substances involved in a crime;
- “Government Laboratory Analyst” means a person appointed by the Minister to perform duties of laboratory analysis as provided for under this Act or any other written law;
- “industrial chemical” means any chemical or chemical product used or intended for use in an industrial process;
- “inspector” means a chemical, forensic science or human DNA laboratory inspector appointed under section 14;
- “laboratory” means any facility undertaking testing or analyzing samples or matters related to chemical, forensic science, microbiology, DNA, and training laboratories;
- “laboratory analytical report” means a laboratory report showing results from an analysis of a sample conducted, and includes a certificate of analysis issued under this Act;
- “Minister” means the Minister responsible for health;
- “Ministry” means the Ministry responsible for health;
- “poison” means substances that cause harm or death to organism;
- “requesting authority” means a person or institution which initiates the process of sample analysis as provided for under section 16;
- “sample” means a specimen or an exhibit submitted for laboratory analysis;
- “Technical Committee” means a forensic science services or poison control committees established under section 9; and
- “testing” means any investigation or inspection made for the purpose of detecting, identifying or quantifying usually qualified by the method used.

PART II

THE GOVERNMENT CHEMIST LABORATORY AUTHORITY

Establishment
of Government
Chemist
Laboratory
Authority

4.–(1) There is established a body to be known as the Government Chemist Laboratory Authority also known by its acronym as “GCLA”.

(2) The Authority established under subsection (1), shall be the supreme and referral laboratory of the Government of the United Republic, and shall perform other functions as stipulated under this Act.

(3) The Authority shall be a body corporate with perpetual succession and shall have a common seal and, in its own name, be capable of-

- (a) suing and being sued;
- (b) acquiring, holding and alienating movable and immovable property;
- (c) borrowing and lending;
- (d) entering into contract or other transaction; and
- (e) doing all such other acts which a body corporate may lawfully perform.

(4) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by or against the Authority.

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(5) Where the Attorney General intervenes in any suit or matter, the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if the suit or matter had been instituted by or against the Government.

(6) For the purpose of subsections (3) and (4), the Authority shall have the duty to notify the Attorney General of any impending suit or matter by, or against the Authority.

Functions
of Authority

5.–(1) The Authority shall be the referral laboratory and its analytical results shall be final and conclusive on matters related to laboratory analysis.

(2) Without prejudice to the generality of subsection (1), the Authority shall-

- (a) conduct research activities, laboratory analysis and advise the Government on matters relating to forensic toxicology, forensic biology, DNA, illicit drugs, forensic chemistry, food, drugs, occupational health, industrial and consumer chemicals and products and environmental samples for executing health, legal, social wellbeing and environmental interventions;
- (b) regulate chemical, forensic science and human DNA laboratories to ensure compliance with the prescribed standards;
- (c) provide, manage and regulate operation of the National DNA Database in accordance with the Human DNA Regulation Act, or any other written laws;
- (d) coordinate national chemical management programmes, forensic science and human DNA services;
- (e) manage National Poison Control Centre;
- (f) regulate and conduct training and outreach programmes on matters related to chemicals management, human DNA services and any other matters regulated by this Act;
- (g) develop and provide guidance, instructions, opportunity, coaching and mentor scientists within and beyond functional expertise in functions of the Authority;
- (h) collect, identify and analyse scientific evidence pertaining to legal matters;
- (i) registration, suspension or cancellation of chemical, forensic science and human DNA laboratories;
- (j) registration, suspension or cancellation of industrial chemical, consumer chemical or chemical dealers;
- (k) cancel research permits or licence for DNA;
- (l) condemn and order destruction or disposal of articles, chemicals and chemical products;
- (m) advise the Minister on the appointment of inspectors, sampling officers and Government Laboratory Analysts;

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- (n) take sample for laboratory testing;
 - (o) call upon and make laboratory analysis on any matter of national or public interest to which forensic science, product quality or chemicals management may be required;
 - (p) conduct inspection for premises or services regulated by the Authority; and
 - (q) perform any other functions as the Minister may assign.
- (3) For the purpose of subsection (1), the Authority shall register and de-register-
- (a) chemical and forensic science laboratories including human DNA laboratories;
 - (b) industrial and consumer chemicals and dealers; and
 - (c) any person involved in conducting training and outreach programmes on matters related to chemicals management, human DNA services and other functions under this Act
- (4) The Authority may provide consultancy services on any matter stipulated under this Act.
- (5) Prior to the performance of the functions specified under subsection (2) (i), (j), (l) and (m), the Chief Government Chemist shall obtain the approval of the Board.

Directorates,
zones, units
and sections

- 6.** The Authority, for the purpose of the management of its functions after consultation with the Minister, the Minister responsible for Finance and the Minister responsible for public service shall-
- (a) establish such number of directorates, zones, units and sections with prescribed functions as the Board may determine; and
 - (b) employ such number of staffs in various categories and designations to perform functions of the Authority as may be required.

PART III

ADMINISTRATION AND INSTITUTIONAL ARRANGEMENT

Establishment
of Board

7.-(1) There shall be a Board of the Authority which shall be responsible for management of the affairs of the Authority.

(2) The Board shall consist of a Chairman appointed by the President from amongst persons with ten years managerial experience in public service, experience in science and not more than seven members to be appointed by the Minister as follows:

- (a) a representative from Tanzania Police Force;
- (b) a representative from the Ministry responsible for health;
- (c) two representatives from higher learning or research institutions whose speciality is either-
 - (i) pathology;
 - (ii) chemical and mining;
 - (iii) chemistry; or
 - (iv) molecular biology or biotechnology;
- (d) a Law Officer nominated by the Attorney General;
- (e) a representative from the Ministry responsible for finance who has knowledge in matters related to accounting and finance; and
- (f) a representative from an umbrella organisation of laboratory technicians.

(3) The Chief Government Chemist shall be Secretary to the Board.

(4) The Board may, where it considers necessary, co-opt any person to attend its meeting provided that such person shall not have a right to vote.

(5) The tenure of members, proceedings of the Board and other matters relating to the Board shall be as set out in the First Schedule to this Act.

(6) When appointing members of the Board and technical committees under this Act, the Minister shall take into account

gender and persons with disabilities representation, senior members who possess requisite knowledge and experience.

(7) The Minister may, by order published in the *Gazette*, alter, amend or add anything in the First Schedule to this Act.

Functions and powers of Board

8.—(1) The functions and powers of the Board shall be to—

- (a) make guidelines, rules and orders to facilitate implementation of this Act;
- (b) exempt payment of any fees for services rendered by the Authority;
- (c) approve the Authority's budgets, annual financial statements and accounts;
- (d) approve and advise the Minister on strategic policy matters for implementation by the Authority;
- (e) approve fees payable for services rendered by the Authority; and
- (f) advise the Minister on performance of the management on set targets and the carrying out of policy priorities.

(2) The Board may delegate its functions to the Chief Government Chemist, committee of the Board or employee of the Authority.

(3) The Board shall for the purpose of facilitating the performance of its functions, appoint such number of committees to perform specific functions of the Board.

Establishment of Technical Committees

9.—(1) There shall be the Forensic Science Services Technical Committee and Poison Control Technical Committee to be appointed by the Minister after consultation with the Board.

(2) The Committees established under subsection (1), shall be responsible for advising the Chief Government Chemist on technical matters relating to forensic science and poison control.

(3) The composition, appointment, functions and procedures of the committees shall be as set out in the Second and Third Schedules to this Act.

Appointment
of Chief
Government
Chemist

10.–(1) There shall be a Chief Government Chemist appointed by the President from amongst public servants who have-

- (a) at least a masters degree in chemistry or any other associated discipline from an accredited institution; and
- (b) over ten years of experience in matters relating to chemical laboratory, leadership skills and a proven probity.

(2) The Chief Government Chemist shall be-

- (a) the chief executive officer and Accounting Officer of the Authority, and shall be responsible for the day to day management of the affairs of the Authority;
- (b) the Registrar of chemical, forensic science and human DNA laboratories;
- (c) Regulator of human DNA service appointed under the human DNA Regulation Act; and
- (d) Registrar of chemical and chemical dealers appointed under the Industrial and Consumer Chemicals (Management and Control) Act.

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(3) The Chief Government Chemist shall hold office for a term of five years and subject to his satisfactory performance be eligible for re-appointment for another one term.

Functions and
powers of Chief
Government
Chemist

11.–(1) The Chief Government Chemist shall perform the following functions:

- (a) upon approval of the Board-
 - (i) register, delete, vary, alter, or de-register any name or entries in the register;
 - (ii) issue certificate to a successful applicant;
- (b) keep and maintain register of-
 - (i) chemical, forensic science and human DNA laboratories;
 - (ii) industrial or consumer chemicals or dealers;
 - (iii) human DNA Database; and
 - (iv) Government Laboratory Analyst;

- (c) oversee the management and development of the organization, and discipline of the employees of the Authority; and
- (d) perform any other functions as may be assigned to him by the Board.

(2) The Chief Government Chemist shall, in performing his functions, have and exercise the following powers:

- (a) make guidelines to facilitate implementation of this Act; and
- (b) after due process, condemn and order destruction or disposal of articles, chemicals and chemical products.

(3) The Chief Government Chemist shall, in addition to powers under subsection (2), exercise power vested in him under the Industrial and Consumer Chemicals (Management and Control) Act and the Human DNA Regulation Act.

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Powers to
delegate

12.—(1) Functions and powers of the Chief Government Chemist may be performed or exercised by any officer of the Authority.

(2) The Chief Government Chemist may, in consultation with the Minister, and by notice published in the *Gazette*, delegate to any other person, institution or body of persons some of his functions or powers on such terms, conditions and limitations as may be specified in the instrument of delegation.

(3) Delegation made under this section shall not prevent the Chief Government Chemist from exercising powers conferred upon him by this Act.

Appointment
and functions
of Government
Laboratory
Analyst

13.—(1) The Minister may, on the advice of the Board and by notice published in the *Gazette*, appoint officers from the Authority or any other relevant institutions having the necessary qualifications to be Government Laboratory Analysts for the purposes of enforcement of this Act or any other written law.

(2) The Government Laboratory Analyst shall perform laboratory analysis of various samples as provided for under this Act or any other written law.

(3) The powers, functions, conduct, qualifications and procedures for Government Laboratory Analyst shall be as prescribed in the regulations.

Appointment
of inspectors

14.-(1) The Minister may, upon advise of the Board and by notice published in the *Gazette*, appoint such number of chemical, forensic science and human DNA laboratory inspectors.

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(2) The inspectors appointed under the Industrial and Consumer Chemicals (Management and Control) Act and Human DNA Regulation Act shall be deemed to be appointed under this Act.

Powers of
inspectors

15.-(1) The inspectors appointed under section 14(1), shall have and exercise such powers as may be necessary for the better implementation of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the inspectors shall have the following powers:

- (a) enter into any premise or premises dealing with a service regulated under this Act at any reasonable time for the proper performance of such duty or the making of such inspection;
- (b) issue directives after inspection on areas requiring correction;
- (c) order temporary closure of premises pending corrections or Board's directives;
- (d) seize anything or property used in the commission of an offence as evidence;
- (e) upon Board approval, impose fines on several offences at such rate as may be determined by the Minister;
- (f) in collaboration with any other authority, supervise proper disposal of samples, chemicals or any article regulated under the Act;

- (g) where necessary, with the assistance of police, arrest any person;
 - (h) conduct special or strategic inspection;
 - (i) provide advice or recommendations on the proper implementation of the provisions of the Act as per the practice;
 - (j) adduce evidence before the court; and
 - (k) perform any other duty as may be directed by the Chief Government Chemist.
- (3) A person who-
- (a) fails to give or refuses access to any person, officer or inspector referred to this section, if he requests entrance to any article, vehicle or premises;
 - (b) obstructs or hinders him in the execution of his duties under the Act;
 - (c) fails or refuses to give information that may lawfully be required to give to that officer, person or inspector;
 - (d) gives to an officer or person false or misleading information knowing it to be false or misleading,
- commits an offence and, on conviction, shall be liable to a fine of not less than one million shillings but not exceeding three million shillings or imprisonment for a term of not less than twelve months, or to both.

PART IV

MANAGEMENT OF SAMPLES AND ANALYTICAL RESULTS

Management
of samples

16.-(1) The sample for laboratory analysis shall be submitted by the requesting authority accompanied by a letter, form or any other written document stipulating the details of the sample submitted to the Authority.

(2) Without prejudice to subsection (1), the Chief Government Chemist, may cause samples to be submitted for laboratory analysis if that change does not affect the original nature of chemical composition.

(3) A sample shall be managed, retained and disposed of in a manner prescribed in the regulations.

(4) The Authority shall not be liable for any change of form or alteration to a sample that may occur during and after analysis if that change does not affect the original nature of chemical composition.

Laboratory analytical report and its effect

17.-(1) Where a sample for analysis is delivered to the Authority, a laboratory analytical report specifying the result shall be issued to the requesting person.

(2) A sample submitted for analysis shall be deemed to be a fair sample possessing in all respects the same properties as the whole sample from which it was obtained.

(3) A person who uses a certificate of analysis issued under this Act for the purposes of advertisement without a written consent from the Chief Government Chemist, commits an offence and on conviction, shall be liable to-

- (a) a fine of not less than five million shillings or imprisonment for a term of not less than one year or to both, if an offender is a natural person; or
- (b) a fine of not less than twenty million shillings or cancellation of registration certificate issued under this Act, if an offender is a body corporate.

Issuance of laboratory analytical reports

18.-(1) The document or report made or issued by the Government Laboratory Analyst under this Act shall be under the custody of the Chief Government Chemist.

(2) A document or report made under the hand of any Government Laboratory Analyst, upon any matter or thing duly submitted for laboratory analysis, may be used as evidence in any inquiry, trial or other proceedings.

(3) Where a report is used in any proceedings in a court of law other than an inquiry, the court may, summon and examine the Chief Government Chemist or Government Laboratory Analyst on the veracity of the report.

Expert witness **19.** A report issued by the Government Laboratory Analyst shall be admissible and a sufficient evidence of the facts or observations stated in the report unless the opposite party requires that the Chief Government Chemist or Government Laboratory Analyst who issued it be summoned as a witness.

PART V

THE AUTHORITY SERVICES

(a) Forensic Science and DNA Services

Forensic science laboratory services **20.**—(1) There shall be within the Authority, a laboratory responsible for matters related to forensic science and DNA services.

(2) For the purpose of subsection (1), the Authority shall make analysis using discipline on forensic science such as:

- (a) toxicology;
- (b) chemistry and illicit drugs; and
- (c) biology and human DNA,

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as may be required by any authority or as provided in the Criminal Procedures Act, Human DNA Regulation Act, the Drugs Control and Enforcement Act and other written laws.

(3) Without prejudice to the services rendered under subsection (2), the forensic science and DNA laboratory may perform any other analysis of samples of civil nature as the need may require.

(b) Products Quality Laboratory Services

Products quality laboratory services **21.**—(1) There shall be within the Authority, the laboratory responsible for matters related to product quality services save for regulatory purposes.

(2) For the purpose of subsection (1), the Authority shall perform-

- (a) testing of food, drugs, cosmetics and respective raw materials;
- (b) microbiological testing;
- (c) instrumental analysis; and

(d) testing of traditional medicine.

(3) The Authority may render any other service to be performed by the product quality laboratory as the exigency may require.

(c) Chemicals Management Services

Chemicals
management
laboratory
services

22.—(1) There shall be within the Authority the laboratory which shall be responsible for chemicals management services.

(2) For the purpose of subsection (1), the Authority shall perform analysis on-

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(a) chemicals, chemical products and their raw materials in accordance with the Industrial and Consumer Chemicals (Management and Control) Act;

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(b) samples related to occupational health in accordance with the Occupational Health and Safety Act and environmental pollution in accordance with the Environment Management Act; and

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(c) any other services as the need may require.

Conclusiveness
of report

23. A report on analytical results issued by the Authority on services rendered in relation to forensic science and DNA, products quality and chemicals management shall be final and conclusive.

PART VI

REGULATION OF LABORATORIES

(a) Registration of Laboratory

Registration
of laboratories

24.—(1) A laboratory shall not offer chemical, forensic science or DNA laboratory services regulated under this Act unless the laboratory is registered under this Act.

(2) A laboratory shall not be registered unless it has staff who possess relevant qualifications and the laboratory premises containing facilities that meet standards prescribed in the regulations.

(3) An application for registration shall be in the manner prescribed in the Fourth Schedule to this Act and accompanied by a fee as prescribed in the regulations.

(4) The Chief Government Chemist shall keep and maintain a register of laboratories in which information and particulars of registered laboratories shall be entered.

(5) 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 not exceeding three years or to both.

Issuance
of certificate

25.—(1) A certificate shall be issued by the Chief Government Chemist in respect of-

- (a) registered chemical;
- (b) chemical dealers;
- (c) training laboratory;
- (d) chemical;
- (e) forensic science; and
- (f) human DNA laboratory.

(2) The procedures for registration and certification of services regulated under this Act shall be as prescribed in the regulations.

Cancellation
of registration
of laboratory

26.—(1) The Chief Government Chemist may, upon approval by the Board, cancel registration of any chemical, forensic science or human DNA laboratory where-

- (a) the certificate was procured in violation of any of the provisions of this Act; and
- (b) the operations of the laboratory breaches any of the conditions attached to the registration.

(2) The Board, before cancelling registration of laboratory under this section shall afford the owner of such laboratory an opportunity to be heard.

(3) A cancellation of the registration of the laboratory under this section shall be published in the *Gazette*.

Appeals

27.—(1) A person who is aggrieved by the decision of the Board may, within three months from the date of notification of the decision, appeal to the Minister.

(2) The Minister may, within thirty days, allow any appeal, alter or vary the decision of the Board and make any order as he deems fit.

(3) The Minister shall, within one month after determination of the appeal, supply a copy of such determination to the appellant.

Notification of closure or change of ownership

28.—(1) An owner of a laboratory who intends to close his laboratory or change of ownership of the laboratory shall notify the Chief Government Chemist three months before closure or change of ownership.

(2) Without prejudice to subsection (1), an owner shall, within three months before closure, submit the laboratory closure program to the Chief Government Chemist as prescribed in the regulations, for approval, supervision and inspection.

(3) A person who fails to notify the Chief Government Chemist commits an offence and on conviction, shall be liable to a fine of not less than ten million shillings or imprisonment for a term of not less than three years, or to both.

(4) Where the owner of the laboratory dies or is unable for any reason to manage the laboratory, his heirs, close relative or an administrator of estate shall be required to notify the Chief Government Chemist within three months of the owner's death or inability to perform his duties.

(b) Inspection of Laboratory

Inspection of laboratory

29.—(1) The Chief Government Chemist may, for the purpose of ensuring compliance with the provisions of this Act, conduct or cause to be conducted inspection in any premises or services.

(2) The Minister shall, upon the advice of the Board, make regulations prescribing for:

- (a) appointment, designation, powers and qualification of inspectors; and
- (b) the manner of conducting inspections for the purpose of this Act.

(c) Record Keeping and Reporting

Record keeping **30.** An owner or operator of a registered laboratory shall keep records of services offered, recommendation from the previous inspection and mitigation measures, if any.

Reporting **31.**—(1) An owner or operator of a registered laboratory shall submit to the Registrar report concerning the registered laboratory two times in a year in such a manner as prescribed in the regulations.

(2) Subject to the provisions of subsection (1), a person who fails to submit a report, his certificate or permit shall be cancelled or suspended.

PART VII

NATIONAL HUMAN DNA DATABASE

National Human DNA Database **32.**—(1) There shall be within the Authority, a National Human DNA Database, which shall serve as the central depository for human DNA records.

Cap. 73 (2) There shall be designated human DNA laboratory as provided for under the Human DNA Regulation Act.

(3) A designated human DNA laboratory shall submit data to the Authority.

(4) The data to be submitted to the Authority shall contain such information as prescribed in the Fifth Schedule to this Act.

(5) The Board may review or vary the list of information to be contained in the database.

Access to information **33.**—(1) The Chief Government Chemist shall, with or without fee, authorise access to information contained in the human

DNA database upon written request on matter prescribed in the regulations.

(2) Information contained in the human DNA database may be accessible by-

(a) any person that the Chief Government Chemist may authorise; and

(b) Government institutions, agencies and departments.

(3) A person who access, disseminates or publishes information contained in the database without written authorisation by the Chief Government Chemist, commits an offence and on conviction shall be liable to a fine of not less than ten million shillings or imprisonment of a term not less than five years or to both.

PART VIII

THE NATIONAL POISON CONTROL CENTRE

National Poison
Control Centre

34.-(1) The National Poison Control Centre shall be established and managed by the Authority.

(2) The Authority shall coordinate and manage poisoning incidences.

(3) The Authority's Zonal Laboratory may serve as sub-centre to the National Poison Control Centre.

(4) Without prejudice to subsection (1), the National Poison Control Centre shall perform the following functions:

(a) disseminate information to the public on poisoning;

(b) cause to be conducted a laboratory analysis of poison;

(c) collect information from the information nodes on diagnosis and treatment of poisoning incidences;

(d) conduct training and research on matters related to poisoning; and

(e) keep records of poisoning cases, incidences and scientific information regarding poisons.

Designation
of information
nodes

35.—(1) The Authority shall designate health facilities and other institutions to serve as information nodes providing information on poisoning incidences.

(2) A designated information node shall submit information on poisoning incidences to the Authority.

(3) The procedures and operations of information nodes shall be as prescribed in the regulations.

PART IX FINANCIAL PROVISIONS

Sources of funds

36.—(1) Sources of funds of the Authority shall include—

- (a) monies as may be appropriated by Parliament;
- (b) any funds or assets which may be vested in or accrued from other sources;
- (c) fees imposed and other charges collected from services rendered;
- (d) proceeds derived from sale of assets and any other source of income identified by the Authority;
- (e) gifts, grants and donations; and
- (f) any other money borrowed, received by or made available to the Authority for the purpose of its functions.

(2) Subject to the provisions of subsection (1), the Government shall, within each financial year, allocate and disburse to the Authority moneys appropriated by the Parliament to cover expenditures for the activities of Authority.

(3) The fees and charges collected from services shall be as prescribed in the regulations.

(4) Fees and charges imposed for services rendered in respect of samples or exhibits relating to criminal matters, disasters, defence and security or any other sample of public interest shall be borne by Government.

Estimates of
income and
expenditure

37.—(1) The Chief Government Chemist shall prepare and submit to the Board an estimate of the revenue and expenditure

for the Authority three months before the commencement of every financial year.

(2) The Board shall forward to the Minister the estimate of the revenue and expenditure prepared under subsection (1) for approval.

(3) Expenditure shall not be made out of the funds of the Authority unless the expenditure is approved by the Minister under subsection (2).

Supplementary
budget

38.—(1) Where, in any financial year, the Authority requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Board shall approve a supplementary budget detailing the disbursement.

(2) The annual budget and every supplementary budget shall be in the form and include the details which the Board may direct.

Annual report

39.—(1) The Chief Government Chemist shall, at the end of each financial year, prepare an annual implementation report on the activities of the financial year and submit the report to the Board.

(2) The Chief Government Chemist shall ensure that, the annual financial statements are prepared and submitted to Controller and Auditor-General within six months after the end of financial year.

(3) The financial statements shall include-

- (a) statement of financial performance;
- (b) statement of financial position;
- (c) statement of cash flows;
- (d) statement of changes of equity;
- (e) notes to the financial statements; and
- (f) directors report.

Submission of
annual financial
statement

40.—(1) The Chief Government Chemist shall, within six months after the close of each financial year, submit to the Minister a

report dealing generally with the activities and operations of the Authority during that year and be accompanied by-

- (a) a copy of the audited accounts of the Authority;
- (b) a copy of the Auditor's report on the accounts; and
- (c) such other information as the Minister may direct.

(2) The Minister shall, as soon as practicable, lay before the National Assembly the audited accounts and the annual report of the Authority.

Management and control of funds

41.-(1) The Authority shall keep books of accounts and maintain proper records of its operations in accordance with National Accounting Standards.

(2) The Authority shall prepare and keep proper books of accounts and record with respect to-

- (a) the assets and liabilities;
- (b) the receipt and expenditure of monies and other financial transactions; and
- (c) a statement of financial position and a statement showing details of the financial performance to be prepared in every financial year.

(3) The funds and resources of the Authority shall be used for the better carrying out of its objective under this Act.

(4) The expenditure of the Authority shall be subject to monitoring and review by the Board.

Operational principles

42.-(1) The Authority shall-

- (a) open and operate all sets of books of accounts, ledgers, journal and other subsidiary books of accounts, in accordance with its accounting manual; and
- (b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue collection account and payments shall be made from the expenditure account.

Powers to invest **43.** Subject to the approval of the Treasury Registrar and Minister, the Authority may invest any monies in a manner as it considers fit.

PART X GENERAL PROVISIONS

Power of
Minister to make
regulations

44. The Minister may, after consultation with the Board, make regulations in relation to-

- (a) sampling and submission of forensic science samples;
- (b) standards of chemical, forensic science and human DNA laboratory's premises, facility and qualifications of staff;
- (c) procedures for registration and certification of chemical, forensic science and human DNA laboratories;
- (d) the types and procedures for chemical, forensic science and human DNA laboratories inspection;
- (e) the reporting format of information for chemical, forensic science and human DNA laboratories;
- (f) designation, operations and procedures of poison information nodes;
- (g) retention of records generated from the Authority's functions;
- (h) powers, functions, conduct, qualifications and procedures for Government Laboratory Analyst;
- (i) fees and other charges;
- (j) DNA analysis and human DNA database; and
- (k) any other matter for the better carrying out of the provisions of this Act.

Protection of
members of
Board and officers
of Authority

45. An act or thing that was done by the Chief Government Chemist, any member of the Board, member of the committee, employee or any other person authorised to perform any function under this Act shall not render the member or officer personally liable for that matter or things done if done in good faith in the execution or purported execution of the functions under this Act.

Ownership
of assets and
liabilities
Cap. 245
GN. No.
106 of 2000

46. All properties, rights, obligations, liabilities and assets owned by the Authority by virtue of the provisions of the Executive Agencies Act and the Executive Agencies (Government Chemist Laboratory Agency GCLA) Order, shall, on coming into operation of this Act, continue to be under the Authority.

Transfer of staff
and their rights
Cap. 245
GN. No.
106 of 2000

47. An employee or appointee of the Authority established under the Executive Agency Act and the Executive Agencies (Government Chemist Laboratory Agency GCLA) Order, on the coming into operation of this Act, shall continue to be an employee of the Authority in a post comparable to that which the employee held before coming into operation of this Act.

Remuneration
of members of
Board, technical
committees and
staff

48. Members of the Board, technical committees and staff of the Authority, shall be entitled to a remuneration or allowances as the Minister may determine upon the recommendation of the Treasury Registrar, and any other relevant body.

Welfare and
safety of staff

49. The Chief Government Chemist shall be responsible for the safety and welfare of staff in the work place in furtherance of the Authority.

Conflict of
interests

50.—(1) An employee of the Authority shall not be allowed to conduct a business regulated by the Act.

(2) An employee shall refrain from any undertakings that may conflict his roles as staff of the Authority.

(3) An employee shall have the duty of loyalty owed to a client and prohibited from representing any other person with interests adverse to those of a current client or have differing roles that will prohibit him to act impartially or breach a duty of loyalty.

(4) An employee shall sign and date conflict of interest disclosure statement disclosing actual or potential conflicts of interest as prescribed in the regulations.

(5) Where within one month, an employee fails to sign and date conflict of interest disclosure statement disclosing any actual or potential conflicts of interest without lawful cause,

the Board may terminate his appointment or may determine the matter as it deems fit.

(6) Forms to be filled by the employee shall be submitted to the Chief Government Chemist for scrutiny and approval.

Confidentiality
and disclosure
of information

51.—(1) An employee or authorized agent of the Authority shall maintain confidentiality at all times while dealing with any document, sample or its analytical results.

(2) The Chief Government Chemist, members of the Board, Committees, employee of the Authority and authorized agent, shall treat as confidential the source of any information which comes to their knowledge in the course of the performance of their duties.

(3) The provisions of this section shall remain in force in respect of all persons involved in forensic science and DNA analysis and issuance of laboratory analytical results for their entire life whether or not such persons have ceased to be engaged or employed in the furtherance of the administration of the provisions of this Act.

(4) Notwithstanding the provisions of this Act, the Chief Government Chemist may publish or cause to be published any information furnished to the Authority or the contents of any record of returns made available to the Authority in the form of a summary which does not enable identification of the source of the information, record or returns.

(5) A person who is or has been engaged in the administration of this Act and discloses any information acquired in the exercise or purported exercise of his functions under this Act to any other person contrary to the provision of 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 five years or to both.

Powers of
Minister to give
directives

52. The Minister may, subject to the provisions of this Act, give directives to facilitate the implementation and performance of the Authority and the provisions of this Act.

Offence against tampering with documents or reports

53. An employee of the Authority who knowingly or intentionally destroys, varies or alters a document or laboratory analysis report generated in the process of carrying out activities under this Act, commits an offence and, on conviction, shall be liable to a fine of not less than five million shillings or to imprisonment for a period of not less than twelve months or to both.

Liability of body corporate and partnership

54.—(1) Where an offence is committed by a body corporate or partnership, a director, chief executive officer or officer of the body corporate, partner or officer of the partnership who had knowledge or should have had knowledge of the commission of the offence, commits an offence.

(2) A person shall be personally liable for an offence under this Act, whether committed by him on his own account or as an agent or servant of the person.

Powers to compound offences

55.—(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing to have committed any offence under this Act, the Authority may at any time prior to the commencement of the hearing by a court of competent jurisdiction, compound such offence and order such person to pay such sum of money, not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(3) A person who is aggrieved by any order made under subsection (1) may appeal to the Minister within thirty days from the date of that order.

(4) Where the person fails to comply with the order issued under this section, within the prescribed period, the

Authority shall, in addition to the sum of money ordered, require the person to pay an interest at the rate prescribed in the regulations.

(5) The Minister shall make regulations prescribing offences to be compounded and procedures for compounding of offences under this Act.

- General penalty **56.** A person who commits an offence under this Act, for which a penalty is not specifically provided, commits an offence and, on conviction, shall be liable, to a fine of-
- (a) not less than one million shillings for a natural person or to imprisonment of not less than six months or to both; and
 - (b) not less than five million for a body corporate.

SCHEDULES

FIRST SCHEDULE

(Made under section 7(5))

TENURE OF MEMBERS, PROCEEDINGS OF THE BOARD AND OTHER MATTERS RELATING TO THE BOARD

- Tenure of office **1.**-(1) The Chairman and members of the Board shall hold office for a period of three years from the date of appointment and shall be eligible for reappointment for one more term.
- (2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the Board.
- (3) A member of the Board shall cease to be a member if he-
- (a) dies or resigns for any reasons;
 - (b) fails without good cause to attend three consecutive meetings of the Board;
 - (c) is convicted of a criminal offence for a term of or beyond six months; or
 - (d) becomes mentally ill.
- (4) Where an office of a member follows vacant for any of the reasons under subparagraph (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.

- Meetings
- 2.–(1) The Board shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.
- (2) Notwithstanding subparagraph (1), the Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.
- (3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst the member present to act as a chairman for that meeting and the member who is so elected shall be responsible for reporting the findings of such meeting to the Chairman.
- (4) 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 at the next meeting of the Board and signed by the Chairman and Secretary at the meeting.
- Quorum
- 3.–(1) The quorum at any meeting of the Board shall be two thirds of the members in office.
- (2) Matters proposed at a meeting of the Board shall be decided by a majority of the votes of the members present.
- (3) The validity of any act or proceedings of a properly constituted Board meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.
- Directives of Board
4. All orders, directives, notices of the Board shall be signed by the Board Chairman, or the Secretary.
- Proceedings
5. Subject to this Schedule, the Board shall have power to regulate its own proceedings.
- Proof of document
6. A document purporting to be signed by the Chairman or the document Secretary as resolution of the Board, shall be receivable in courts of law or tribunals or other bodies authorized to receive evidence, and, unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained in the document.

SECOND SCHEDULE

(Made under section 9(3))

APPOINTMENT, COMPOSITION, TENURE AND PROCEDURES OF THE FORENSIC SCIENCE TECHNICAL COMMITTEE

- Appointment of members and composition
- 1.–(1) The Minister shall appoint the Chairman and other six members of the Forensic Science Technical Committee as follows:
- (a) representative from the Directorate responsible for Forensic in the Police Force;

- (b) senior biochemist from any recognized university in the country;
- (c) a representative from forensic Pathologist from public institution;
- (d) a representative from Drugs Control Commission;
- (e) a Law Officer nominated by the Attorney General;
- (f) a representative from the Wildlife Department from the responsible Ministry.

(2) The Director responsible for matters related to forensic science and human DNA services shall be the Secretary to the committee.

(3) When dealing with a specific matter for which extra expertise is required, the committee may co-opt persons who have the relevant expertise; such co-opted persons shall have no right to vote and shall cease to be members when the matter is determined.

Functions
of committee

2. The functions of the committee shall be to advise the Chief Government Chemist on matters related to forensic science services.

Tenure of office

3.-(1) The Chairman and members of the committee shall, unless his appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for another term.

(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the committee.

(3) A member of the committee shall cease to be a member if he-

- (a) dies or resigns for any reasons;
- (b) fails without good cause to attend three consecutive meetings of the committee;
- (c) is convicted of a criminal offence for a term of or beyond six months; or
- (d) becomes mentally ill.

(4) Where an office of a member is vacant for any reasons the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.

Meetings
of committee

4.-(1) The committee shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.

(2) The Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.

(3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst themselves to act as a chairman for that meeting.

(4) The committee 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 committee shall be read and confirmed at the next

- meeting of the committee and signed by the Chairman and Secretary at the meeting.
- Quorum 5.-(1) The quorum at any meeting of the committee shall be two thirds of the members in office.
- (2) Matters proposed at a meeting of the committee shall be decided by a majority of the votes of the members present.
- (3) The validity of any act or proceedings of a properly constituted committee meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.
- Proceedings 6. Subject to this Schedule, the Committee shall regulate its own proceedings.

THIRD SCHEDULE

(Made under section 9(3))

COMPOSITION, APPOINTMENT, FUNCTIONS AND PROCEDURES OF THE POISON CONTROL TECHNICAL COMMITTEE

- Appointment of members composition 1.-(1) The Minister shall appoint the Chairman and other six members of the Poisons Control Technical Committee as follows:
- a representative from Ministry responsible for Agriculture;
 - a representative from Directorate responsible for Forensic in the Police Force;
 - a senior medical Doctor for Quality Control and Improvement Unit, from Muhimbili National Hospital;
 - a representative from National Institute of Medical Research;
 - a representative from Preventive Department, Ministry of Health; and
 - a representative from Tanzania Plant Health and Pesticides Authority (TRHPA).
- (2) The Director responsible for matters related to forensic science and DNA services shall be the Secretary to the committee.
- (3) When dealing with a specific matter for which extra expertise is required, the committee may co-opt persons who have the relevant expertise; such co-opted persons shall have no right to vote and shall cease to be members when the matter is determined.
- Functions 2. The Poisons Control Technical Committee shall-
- advise the Chief Government Chemist on technical and administrative matters related to poison control;
 - oversee the overall management and performance of the poison control center and advise the Chief Government Chemist accordingly;

- (c) advice and facilitate national, regional and international collaboration among poison control centers; and
- (d) advise on development and adoption of data collection, analysis, reporting and dissemination of toxico-vigilance.

Tenure of office 3.–(1) The Chairman and members of the committee shall, unless the appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for another term.

(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the committee.

(3) A member of the committee shall cease to be a member if he-

- (a) ceases or resigns for any reasons;
- (b) fails without good cause to attend three consecutive meetings of the committee;
- (c) is convicted of a criminal offence for a term of or beyond six months; or
- (d) becomes mentally ill.

(4) Where an office of a member is vacant for any reasons under subsection (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.

Meetings 4.–(1) The committee shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.

(2) Notwithstanding subsection (1), the Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.

(3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst themselves to act as a chairman for that meeting.

(4) The committee 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 committee shall be read and confirmed at the next meeting of the Committee and signed by the Chairman and Secretary at the meeting.

Quorum 5.–(1) The quorum at any meeting of the Committee shall be two thirds of the members in office.

(2) Matters proposed at a meeting of the Committee shall be decided by a majority of the votes of the members present.

(3) The validity of any act or proceedings of a properly constituted Committee meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.

Proceedings

6. Subject to this Schedule, the Committee shall regulate its own proceedings.

FOURTH SCHEDULE

(Made under section 24(3))

APPLICATION FORM FOR REGISTRATION OF LABORATORY

- 1. Particulars of the applicant
 - 1.1 Name:
 - 1.2 Address:.....
 - 1.3 Telephone:.....
 - 1.4 Fax:.....
 - 1.5 E-mail:
 - 1.6 Certificate Incorporation No:
 - 1.7 Business Licence:

- 2. Physical Address
 - 2.1 Plot No:
 - 2.2 Street No:
 - 2.3 District:
 - 2.4 Region:

- 3. Proprietor of the Laboratory (if different from (1) above)
 - 3.1 Name:
 - 3.2 Address:.....
 - 3.3 Telephone:.....
 - 3.4 Fax:.....
 - 3.5 E-mail:

- 4. Requirements for Registration
 - 4.1 Technical staff with required qualification.....
(Attach CVs and copies of certification)
 - 4.2 Nature of laboratory activities (chemical, forensic or DNA tick as appropriate)
 - 4.3 Please attach the following documents:
 - (a) Laboratory Safety Plans
 - (b) Emergence Response Procedures

I hereby declare that the above statements are true and correct to the best of my knowledge.

Signature Date

For Official Use only:

No: Name Sign: Date:

FIFTH SCHEDULE

(Made under section 32(4))

INFORMATION TO BE CONTAINED IN THE HUMAN DNA DATABASE

The information in the Database shall contain but not limited to:

- (1) Crime Scene index.
 - (2) New Born.
 - (3) Civil index.
 - (4) Convicted offender index.
 - (5) Remandees
 - (6) Violent offenders.
 - (7) Sexual offender.
 - (8) Disaster victims index.
 - (9) Elimination database.
 - (10) Information on national identification.
 - (11) Defense Force, Police Force.
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