

CHAPTER 109

THE TANZANIA FOOD AND NUTRITION ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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SCHEDULE



CHAPTER 109

THE TANZANIA FOOD AND NUTRITION ACT

An Act to establish the Tanzania Food and Nutrition Centre.

[6th December, 1973]

[GN. No. 116 of 1999]

Acts Nos.
24 of 1973
3 of 1995

Short title **1.** This Act may be cited as the Tanzania Food and Nutrition Act.

Interpretation **2.** In this Act unless the context requires otherwise-
“Centre” means the Tanzania Food and Nutrition Centre;
“Governing Board” means the Governing Board of the Centre established under section 5;
“members” in relation to the Governing Board includes the chairman of the Board; and
“Minister” means the Minister for the time being responsible for the Centre.

Establishment of Centre Act No. 3 of 1995 Sch. **3.**-(1) There is hereby established under the Ministry responsible for health an autonomous body to be known as the Tanzania Food and Nutrition Centre.

(2) The Centre shall be a body corporate and shall-

(a) have perpetual succession and a common seal;

(b) in its corporate name, be capable of suing and being sued; and

(c) be capable of purchasing or otherwise acquiring and of alienating any movable or immovable property.

(3) Consequent upon the changing of the former Centre into an autonomous entity, all assets and liabilities to which the former Centre was entitled or subject and all employees of the former Centre shall with effect from the date of coming

into operation of this Act be vested in and transferred to the new Centre.

Functions of
Centre

4. The functions of the Centre shall be-

- (a) to plan and initiate food and nutrition programmes for the benefit of the people of the United Republic;
- (b) to undertake review and revision of food and nutrition programmes;
- (c) to provide facilities for training in subjects relating to food and nutrition and prescribed conditions which must be satisfied before any diploma, certificate or other award which may be granted in any subject upon completion of any training undertaken by the Centre or other educational institution in the United Republic;
- (d) to carry out research in matters relating to food and nutrition;
- (e) to advise the Government, schools and other public organisations on matters relating to food and nutrition;
- (f) to stimulate and promote, amongst the people of the United Republic, an awareness of the importance of balanced diet and of the dangers of malnutrition;
- (g) to gain public confidence in the methods suggested by the Centre for the correction or avoidance of malnutrition;
- (h) in collaboration with the Ministry responsible for Development Planning, to formulate, for incorporation in the national development plans, plans relating to food and nutrition for the benefit of the people of the United Republic;
- (i) in collaboration with the producers, manufacturers and distributors of articles of food, to ensure proper nutritional value of the food marketed in the United Republic or exported to foreign countries;
- (j) to make available to the Government and the people of the United Republic, its findings on any research carried out by it on matters affecting nutrition;

- (k) to participate in international conferences, seminars and discussions on matters relating to food or nutrition; and
- (l) to do all other acts and things, and enter into all contracts and transactions, which are, in the opinion of the Governing Board, expedient or necessary for the discharge of functions of the Centre.

Governing Board **5.** There shall be a Governing Board of the Centre.

Composition and procedure of Governing Board **6.**—(1) The provisions of the Schedule to this Act shall have effect as to the composition of the Governing Board, the tenure of office of its members, termination of their appointment, the proceedings of the Governing Board and other matters in relation to the Governing Board and its members as are provided for in that Schedule.

(2) The President may, by order published in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

Powers and duties of Governing Board **7.**—(1) Subject to the provisions of this Act, the management and control of the Centre shall be vested in the Governing Board.

(2) In particular and without prejudice to the generality of subsection (1), the Governing Board shall have power-

- (a) to administer the properties of the Centre, both movable and immovable;
- (b) to administer the funds and other assets of the Centre;
- (c) to signify the acts of the Centre by use of the common seal;
- (d) on behalf of the Centre to receive gifts, fees, donations, grants or other moneys;
- (e) subject to the provisions of this Act, to appoint any officers of the centre as the Board may consider necessary; and
- (f) to do all acts and things as may be provided in this Act or, in the opinion of the Governing Board, as may be necessary or expedient for the proper discharge of the functions of the Centre.

Appointment
of Managing
Director
Act No.
3 of 1995 Sch.

8.—(1) The Minister shall, after consultation with the Board, appoint a suitable person to be the Managing Director of the Centre.

(2) The Managing Director shall be the chief executive officer of the Centre.

(3) The Governing Board may, with the consent of the Minister, appoint other directors to perform any functions as the Governing Board may assign.

(4) The Managing Director may appoint any of the director to act as the Managing Director in his absence.

(5) The Managing Director shall be the executive secretary of the Governing Board and be entitled to be present and to speak at any meeting of the Governing Board, but shall not be entitled to vote unless he is also appointed as a member of the Board.

Appointment of
staff

9. The administrative, professional and technical staff of the Centre shall, subject to the provisions of section 10, be appointed by the Governing Board.

Delegation

10. The Governing Board may, subject to any conditions as it may impose, delegate to any person or body of persons, the powers of appointment to any post in the administrative, professional or technical staff of the Centre.

Governing Board
responsible for
management of
assets

11. The Governing Board shall manage the assets and properties of the Centre in the manner which, in the opinion of the Governing Board, promotes the best interests of the Centre.

Funds of Centre

12. The funds and resources of the Centre shall consist of-

- (a) any moneys which may be provided for the purposes of the Centre by Parliament;
- (b) any funds or assets which may vest in or accrue to the Centre from other sources by way of fees, gifts, grant or otherwise; and

- (c) any sums which the Governing Board may, subject to the provisions of section 13, borrow for the purpose of the Centre.

Power to borrow **13.**—(1) With the prior approval of the Minister, the Governing Board may borrow moneys for the purposes of the Centre by way of loan or overdraft, and upon any security and any terms and conditions relating to the repayment of the principal and the payment of the interest which, subject to any directions by the Minister the Governing Board may deem fit.

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

Annual and supplementary budget Act No. 3 of 1995 Sch.

14.—(1) In this Act “financial year” means any period not exceeding twelve consecutive months designated in that behalf by the Governing Board:

(Proviso spent).

(2) Not less than two months before the beginning of any financial year (other than the first financial year), the Governing Board shall, at its meeting especially convened for that purpose, 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 Centre during that financial year.

(3) Where in any financial year, the Governing Board 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 Governing Board shall, at a meeting, pass a supplementary budget detailing the disbursement.

(4) The annual budget and supplementary budget shall be in the form and include the details as the Minister may direct.

(5) Forthwith upon passing any annual budget or any supplementary budget, the Governing Board shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to any amendment as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget or, as the case may be, the supplementary budget, as amended by him, shall be binding on the Governing Board which, subject to the provisions of subsection (8), shall confine the disbursements within the terms and the amounts contained in the budget or supplementary budget as approved by the Minister.

(8) The Governing Board may-

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that, the disbursement is not provided for in any budget;
- (b) from the amount of expenditure provided for in any estimates in respect of any item, transfer, any sum which the Board may approve to any other item contained in the budget; and
- (c) 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 with two months of the alteration of expenditure limits becoming necessary.

Investment

15. With the prior approval of the Minister, the Governing Board may, from time to time, invest any part of the moneys available in any fund in investments authorised by the Trustees Investments Act, for the investment of any trust fund.

Cap. 53

Accounts and
audit
Act No.
3 of 1995 Sch.

16.-(1) The Governing Board shall cause to be provided and kept proper books of account and records with respect to-

- (a) the receipt and expenditure of moneys by, and other financial transactions of the Centre;
- (b) the assets and liabilities of the Centre, and shall cause to be made out for every financial year a balance sheet

showing details of the income and expenditure of the Centre and all its assets and liabilities.

(2) Within six months of the close of a financial year, the accounts including the balance sheet of the Centre in respect of that financial year shall be audited by the Controller and Auditor General or any other authorised auditor appointed by him.

(3) As soon as the accounts of the Centre have been audited, and in any case not later than six months after the close of the financial year, the Governing Board shall submit to the Minister a copy of the audited statement, of accounts together with a copy of the report made by the auditors.

(4) An audited balance sheet shall be placed before a meeting of the Governing Board and, if adopted by the Governing Board shall be endorsed with a certificate that it has been so adopted.

Managing
Director's report

17. The Managing Director shall, at the end of each financial year, prepare a report on the activities of the Centre during the financial year and submit the report to the Minister.

Annual statement
of accounts and
report to be laid
before National
Assembly

18. The Minister shall as soon as may be practicable and not later than seven months after the close of a financial year, lay before the National Assembly the following documents in relation to that financial year-

- (a) a copy of the audited statement of accounts of the Centre;
- (b) a copy of the auditors report, if any; and
- (c) a copy of the Managing Director's report.

Regulations and
by-laws

19.-(1) The Governing Board may, with the consent of the Minister make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing may make regulations-

- (a) prescribing diplomas, certificates and other awards which may be conferred or granted by the Centre;

- (b) prescribing the conditions which must be satisfied before any diploma, certificate or awards may be granted;
- (c) regulating the conduct of examinations;
- (d) providing for and regulating disciplinary proceedings against the officers of the Centre and students;
- (e) prescribing anything which may be prescribed under this Act; and
- (f) providing for any matter or thing which, in the opinion of the Governing Board, is necessary for the furtherance of the functions and objects of the Centre.

(2) The Governing Board may make by-laws regulating discipline among students enrolled for training by the Centre and to provide for better governing, control and administration of the Centre.

(3) By-laws made under subsection (2) shall not be required to be published in the *Gazette*:

Provided that the Governing Board may, in its absolute discretion, and shall, if directed to do so by the Minister, cause any by-laws to be published in the *Gazette*.

Fees and allowances

20. The Minister may, by directions under his hand prescribe the fees and allowances payable to the members of the Governing Board.

Minister may give directions and grant exemptions

21.—(1) The Minister may give the Governing Board directions of a general or specific character and the Governing Board shall give effect to every direction.

(2) Notwithstanding the provisions of any written law the Minister may, by order under his hand, exempt the Centre from stamp duty, land registration fee, land rent and other fees, charges, rates and levies, on any transaction to which the Centre is a party or in relation to any property transferred to or owned by the Centre.

Proceedings of Governing Board not to be invalid by reason of irregularity

22. An act or proceeding of the Governing Board shall not be invalid by reason only of the number of members not being complete at the time of any act or proceeding or of any defect

in the appointment of any member or of the fact that any member was at the time disqualified or disentitled to act as such.

Protection of members of Governing Board and officers of Centre

23.—(1) A matter or thing done by any member or officer of the Governing Board or the Centre shall not, render that member or officer personally liable for the matter or thing, if done *bona fide* in the execution or purported execution of the functions conferred upon the member or officer by this Act or by regulations made under it.

(2) For the avoidance of doubts, it is hereby declared that the provisions of this section shall be without prejudice to the provisions of section 284A of the Penal Code or the provisions of the Public Officers (Recovery of Debts) Act.

Cap. 16

Cap. 76

SCHEDULE

(Made under section 6(2))

Interpretation

1. In this Schedule “appointing authority” means—
 (a) in relation to the Chairman of the Governing Board, the President; and
 (b) in relation to any other member, the Minister.

Composition Act No. 3 of 1995 Sch.

2.—(1) The Governing Board shall consist of a Chairman, who shall be appointed by the President and not less than eight and not more than twelve other members, appointed by the Minister.

(2) In appointing the members, the Minister may have regard to appointing members representing the following offices:

- (a) the ministry responsible for health (prevention department);
- (b) the ministry responsible for livestock developments;
- (c) the ministry responsible for local government;
- (d) the ministry responsible for planning (social services sector);
- (e) the ministry responsible for community development, women affairs and children;
- (f) the ministry responsible for education (curriculum development department);
- (g) the Sokoine University of Agriculture (Department of Food Science and Human Nutrition); and
- (h) the University of Dar es Salaam (IDS or ERB).

- Vice-Chairman **3.** The members of the Governing Board shall, from among their number, elect a Vice-Chairman, who shall hold office for so long as he remains a member of the Governing Board.
- Tenure of office
Act No.
3 of 1995 Sch. **4.**—(1) A member of the Governing Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for any period which the appointing authority may specify in his appointment:
Provided that, in the case of a member who is a member by virtue of his holding some other office, he shall continue to be a member of the Governing Board for so long as he continues to hold that office.
(2) A member of the Governing Board may at any time resign by giving notice in writing to the appointing authority 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 appointing authority, he shall cease to be a member.
- Absent member
to be replaced at
meetings **5.** Where a member is unable for any reason to attend a meeting, the body or the Ministry, which he represents, as the case may be, may, in writing, nominate another person in his place for the purpose of that meeting.
- 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 shall 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 **7.**—(1) An ordinary meeting of the Governing Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than seven days before the date of the meeting. In case the Chairman is unable to act by reason of illness, absence from Tanzania, or other sufficient cause, the Vice-Chairman may convene the meeting.
(2) The Chairman, or in his absence, the Vice-Chairman, shall be bound to convene a special meeting of the Governing Board upon receipt of a request in writing in that behalf signed by not less than five members of the Governing Board.
(3) Subject to subparagraph (2) not less than seven days' notice of the meeting shall be given to all members of the Governing Board in the manner prescribed in subparagraph (1).
(4) The Chairman, the Vice-Chairman, or the temporary chairman elected in accordance with the provisions of paragraph 8 (2) presiding at any meeting of the Governing Board may invite any person who is not a member to participate in the deliberations of the Governing Board, but that person shall not be entitled to vote.

- Procedure **8.**—(1) One-half of the total number of the members of the Governing Board, or four members, whichever is the lesser number, shall form a quorum for a meeting of the Governing Board.
- (2) In the absence of the Chairman from a meeting of the Governing Board, the Vice- Chairman shall preside and in absence of both the Chairman and the Vice-Chairman from any meeting, the members present shall elect one of their number to be a temporary chairman of that meeting.
- (3) At any meeting of the Governing Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Governing Board and in the event of an equality of votes the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.
- (4) Notwithstanding the provisions of subparagraph (2), where the Chairman so directs, a decision may be made by the Governing Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that decision be deferred until the subject matter is considered at a meeting of the Board.
- Minutes of meetings **9.** Minutes in proper form of each meeting of the Governing Board shall be kept and confirmed by the Governing Board at the following meeting and signed by the Chairman of the meeting.
- Orders directions **10.** All documents and instruments required to be executed by the Governing Board shall be signed by-
- (a) the Managing Director; or
 - (b) any member of the Board or other officer of the Governing Board authorised in writing by the Managing Director in that behalf.
- Seal of Governing Board **11.** The seal of the Governing Board shall not be affixed to any instrument except in the presence of the Managing Director, or the Chairman or the Vice-Chairman and at least one other member of the Governing Board.
- Governing Board may regulate its own proceedings **12.** Subject to the provision of this Schedule, the Governing Board shall have power to regulate its own proceedings.
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