

THE COFFEE INDUSTRY ACT, 1977

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 5 OF 1977

I ASSENT,

Julius K. Nyerere
President

22nd June, 1977

An Act to establish the Coffee Authority of Tanzania and to provide for the functions and powers of the Authority; to make provision for the control, regulation, development and improvement of the coffee industry; to repeal the Coffee Industry Ordinance and to provide for other matters connected with the coffee industry

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Coffee Industry Act, 1977 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Short title and commencement

2.-(1) In this Act, unless the context otherwise requires- "the Authority" means the Coffee Authority of Tanzania established by section 3;

Interpretation

"the Board" means the Board of Directors of the Authority established under section 5;

"coffee" means cherry, dried cherry, berries or beans or parts of berries or beans of the coffee species and includes clean coffee, parchment coffee, lights, triage, buni and hulled buni;

"the Director" means the officer in charge of the department in the Ministry of Agriculture responsible for crop development,

"effective date" means the date of commencement of this Act;

"grower" means any person who grows coffee;

"Minister" means the Minister for the time being responsible for agriculture;

"processing", with its grammatical variations and cognate expressions, means to subject coffee in any form to any process, which materially changes the coffee in substance, character or appearance.

(2) "Buying" and "selling" includes an offer to buy or, as the case may be, an offer to sell and, also any transaction whereby the property in the article in question may pass to the buyer in future.

PART II

THE COFFEE AUTHORITY OF TANZANIA

Establi-
shment of
Coffee
Authority of
Tanzania

3. (1) There is hereby established an authority to be known as the Coffee Authority of Tanzania.

- (2) The Authority 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 otherwise acquiring and -of disposing of, any movable or immovable property for the purposes of carrying out the functions conferred upon it by or under this Act or any other written law.

Functions
of the
Authority

4.-(1) The functions of the Authority shall be--

- (a) to promote the development, improvement and protection of the coffee industry;
- (b) to prepare, implement, control and supervise programmes relating to the development of the coffee industry;
- (c) to carry on, either alone or in association with any other person, the business of growers and producers of coffee, the business of processing coffee and any other business or activity conducive or incidental to the carrying on of any of those businesses;
- (d) to undertake the marketing and exportation of coffee;
- (e) to advise the Minister upon measures for the promotion and protection of the coffee industry;
- (f) to co-operate in the promotion or control of the production or marketing of coffee within the framework of any, international organization or agreement concerned with those, matters.

(2) In particular, but without prejudice to the generality of subsection (1) and subject to any general or specific directions of the Minister, the Authority may-

- (a) control and fix the prices to be paid from time to time for coffee and its by-products exported or sold for the purposes of local industries and may notify those prices in such manner as it may deem fit;
- (b) regulate the marketing of coffee and its by products for use within the United Republic;

- (c) provide assistance and services for the development of the coffee industry, including-
 - (i) the establishment of nurseries and demonstration farms in coffee growing areas;
 - (h), the supervision of the cultivation of coffee plants, and the harvesting or processing of coffee berries by growers;
 - (iii) the inspection, classification and grading of coffee;
 - (iv) the organization of arrangements for the marketing, storage and transportation of coffee;
 - (v) the provision of such other services as may be needed by growers for the cultivation of crops other than coffee;
 - (d) give financial or other support to research relating to the production of coffee and undertake research in the processing, uses and marketing of coffee and its by-products;
 - (e) acquire by agreement and hold interests in any company, or firm carrying on business concerned directly or indirectly with coffee or its by-products;
 - (f) manage and continue the business, of any public corporation or any firm whose interests are vested in or acquired by the Authority under this Act, whether or not that business relates to coffee or its by-products;
 - (g) establish branches in the United Republic or elsewhere;
 - (h) subject to this Act and to any regulations relating to licensing made by the Minister under section 39, issue licences to persons for purposes connected with the processing of coffee, the production of any by-product of coffee or any other dealing in coffee;
 - (i) do all such acts and things as, in the opinion of the Board, may be necessary to uphold and support the credit of the Authority and to obtain and justify public confidence, and to avert or minimize loss to the Authority,;
 - (j) to do anything or enter into any transaction which, in the opinion of the Board is calculated to facilitate the proper exercise of the functions of the Authority under this Act.
- (3) For the purposes of carrying out its functions, the Authority shall be deemed to be the holder of each and every licence, permit and other authority which may be required by or under this Act in relation to any matter connected with the coffee industry.

5.-(1) There shall be a Board of Directors of the Authority which shall, subject to this Act, carry out the functions and manage the business and affairs of the Authority.

Board of
Directors

(2) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Board and otherwise in relation to the Board.

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

Minister may give directions to the Authority

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

Orders and directions of the Authority

7.-(1) When any order is made or any directions are given by the Authority under this Act the Board shall convey or cause to be conveyed the contents of the order or directions to the persons concerned in such manner as the Board may from time to time determine:

Provided that all persons shall be deemed to have notice of the contents of every order and of all directions published in the *Gazette*.

(2) Any person who contravenes or fails to comply with any order or directions made or given by the Authority shall be guilty of an offence.

PART III

CULTIVATION AND PROCESSING OF COFFEE AND DEALINGS IN COFFEE

Declaration of coffee growing areas

8.-(1) The Minister may, after consultation with the Board, by order in the *Gazette*, declare any area or areas in the United Republic as an area or areas in which the cultivation of coffee is undertaken or to which it is to be extended. An area so declared shall be known as a "coffee growing area"

(2) Whenever the Minister makes an order under subsection (1), the Board shall take all the necessary steps to give effect to the order.

Authority may give directions

9.-(1) The Authority may, with the consent of the Minister, give directions-

- (a) regarding the improvement of coffee husbandry, including preparation of the ground, planting, weeding, pruning, spraying, replacement of old and dead trees, manuring and use of fertilizer and the timing and' manner of harvesting, drying, storing and marketing of coffee;
- (b) regarding the types or varieties of coffee which shall be grown in areas which the Authority may specify in 'the directions;
- (c) regulating the grading, packing and marketing of coffee;
- (d) regulating the processing, storing and marketing of products derived or manufactured from coffee berries or husks.

(2) Directions given under this section may specify the category of growers or, as the case may be, manufacturers by whom the directions shall be obeyed, and where any directions do not specify the category of growers or, as the case may be, manufacturers by whom the directions shall be obeyed, the directions shall be obeyed by all growers or, as the case may be, manufacturers of coffee products, to which they relate.

(3) Any person who contravenes or fails to comply with any directions given by the Authority under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to, both that fine and imprisonment.

10.-(1) The Authority may direct that no fresh coffee trees shall be planted by growers except trees obtained from the Authority or trees of a kind specified by the Authority from any source.

Restriction
on
planting
coffee

(2) If the Authority gives directions under this section it shall make all arrangements necessary to ensure that suitable coffee trees are made available to the growers concerned.

11. (1) The Director may, by order under his hand, for the purpose of preventing or controlling the occurrence or spread of any insect pest or disease of coffee trees or berries within any area specified in the order-

Prevention
of disease

- (a) require that within that area, all or any plants specified in the order shall be uprooted and buried by any person possessing or having control over them and that all or any coffee berries or refuse of coffee berries shall be burned;
- (b) require any grower within that area forthwith to harvest such of his coffee berries as, in the opinion of the Director, are ready for harvesting;
- (c) prohibit any person within that area from planting, before a date specified in the order, any coffee trees or any other crop specified in the order known to harbour insect pests or diseases of coffee;
- (d) prohibit the removal from that area without a permit in writing issued by the Director of any raw coffee berries or any plant or any article which has contained any raw coffee berries or any article which in his opinion is likely to harbour insect pests or diseases of coffee.

(2) Any person who contravenes or fails to comply with any order made under this section shall be guilty of an offence.

(3) Where any person fails to carry out the provisions of any order made under this section, the Director may after giving not less than seven days' notice in writing of his intention to do so, cause to be taken such measures as may be necessary to carry out the provisions of the order and in that case the person in default shall, notwithstanding any penalty which he may have incurred by reason of his failure, be liable to pay all the costs of the measures so taken, which costs shall be recoverable as a debt to the Government.

(4) The Director may, by notice in the *Gazette*, delegate all or any of his functions under this Act to any public officer or any public authority and the officer or, as the case may be, the authority may exercise the functions so delegated subject to any conditions which the Director may determine.

Authority may prohibit or restrict transactions

12.-(1) Subject to subsections (2) and (3), the Authority may, with the consent of the Minister, by order in the *Gazette*, prohibit any person from selling, purchasing, storing, renting, pledging, transporting, treating, processing, exporting, importing or dealing in any other way in any coffee or, as the case may be, coffee product specified in the order or from importing any article used in the manufacture of any coffee product specified in the order.

(2) Nothing in subsection (1) shall apply to-

- (i) the Authority;
- (ii) an agent of the Authority;
- (iii) a person authorized in writing by the Authority;
- (iv) in the case of selling or storing of coffee, the grower of that coffee;
- (v) in the case of any coffee product, the manufacturer of the product:

Provided that the Authority may regulate and control any of the transactions or activities referred to in that subsection.

(3) No order made under this section shall apply to-

- (a) any sale by retail or the storing or transporting for sale by retail; or
- (b) any quantity of coffee or coffee product which has been purchased by any person for consumption or use by that person or by members of his family or persons under his control, or to the storing or transporting of that quantity of coffee or, as the case may be, coffee product.

PART IV

MARKETING AND EXPORT OF COFFEE

Restriction on export of coffee

13.-(1) No person other than the Authority or a subsidiary company of the Authority designated in that behalf by the Board shall export any coffee or coffee products.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and, shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding five years, or both that fine and imprisonment.

Authority sole buyer of coffee

14. Subject to section 15, the Authority shall be the sole buyer or purchaser of coffee within the United Republic and shall, for that purposes, establish buying posts where growers may sell their coffee to the Authority.

Compulsory marketing orders

15.-(1) The Authority may, with the consent of the Minister, make an order requiring growers in any specified area to sell or in any other way dispose of their coffee or coffee products to a person or, an authority specified in that behalf in the order.

(2) The Authority may, in any order made under this section, exempt any grower or category of growers from all or any of the provisions of the order.

(3) Every order made by the Authority under this section shall be published in the *Gazette*.

16.- (1) Without prejudice to the power conferred by section 4 (2) (a), the Authority may, after consultation with any other public authority or authorities concerned with prices of agricultural products, by order in the *Gazette*, fix the minimum price at which any coffee or coffee product may be purchased at any stage of its marketing and no person shall purchase any coffee or coffee product specified in the order at a price lower than the price so fixed.

Minimum
price
of coffee

(2) Notwithstanding subsection (1), the Minister may, if in his opinion it is in the national interest to do so, by order in writing under his hand, fix prices not lower than those fixed by the Authority at which coffee or coffee products may be purchased from growers.

(3) Any person who purchases any coffee or coffee product specified in the order at a price lower than the price fixed by any order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

17.-(1) The Authority may, by notice in writing, require any person to furnish to it returns or information pertaining to production, stock, manufacture, processing, storage, transportation, purchase or sale of coffee or any article used in the manufacture of any coffee product.

Returns
and
information

(2) Every notice under this section shall specify the subject matter of the return or information required and the period within which, and the manner in which, the return or information shall be made or given.

(3) Any person to whom a notice under this section is given and who--

- (a) fails to make the return or to give the information within the time or in the manner specified in the notice; or
- (b) makes a return, or gives information which is false or misleading in any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

PART V

ADMINISTRATIVE AND FINANCIAL PROVISIONS

18.-(1) The President shall appoint a General Manager of the Authority who shall be the chief executive officer of the Authority.

Appoint-
ment of
employees

(2) The Board may from time to time appoint, at such salaries and upon such terms and conditions as it may determine, such number of other employees of the Authority as it may deem necessary for the proper and efficient conduct of the business and the activities of the Authority.

Transfer of employees of the Authority

19.-(1) The Board may transfer any employee of the Authority to the employment of a subsidiary company of the Authority or may transfer any employee of a subsidiary company of the Authority to the employment of the Authority or to the employment of another subsidiary company of the Authority.

(2) Where an employee is transferred under this section-

- (a) he shall, as from the date of his transfer, be deemed to be an employee of the subsidiary Company or of the Authority or, as the case may be, of the other subsidiary Company, to which he is transferred;
- (b) the terms and conditions of service applicable to him after the transfer shall not be less favourable than those which were applicable to him immediately before the transfer and for the purposes of determining any right to gratuity or any other superannuation benefit, his service with the Authority or, as the case may be, the subsidiary company to which he is transferred, shall be regarded as continuous with his service immediately preceding the transfer; and
- (c) his employment immediately prior to his transfer and his employment after the transfer shall be deemed to be continuous employment by one employer with the meaning of section 8A Of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of that section.

Cap. 487

Remuneration of members of the Board

20.-(1), Subject to subsection (2), the members of the Board shall be entitled to such remuneration, fees or allowances for expenses as the Minister may, upon the recommendation of the Board, prescribe from time to time.

(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 Board who is a public officer.

Superannuation benefits

21. The Board may-

- (a) grant gratuities or other retirement allowances or benefits to the employees of the Authority;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Authority;
- (c) require any employee of the Authority to contribute to the superannuation fund or medical benefits fund and fix the amounts and method of payment of the contribution.

22.-(1) Subject to subsection (4), the Board may, from time to time, by instrument in writing under the seal of the Authority, delegate to any committee of the Board or to any employee of the Authority 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.

Power of Board to delegate

(2) A delegation under this section may be made to the holder of an office under the Authority 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 Board may at any time revoke a delegation made under this section and no delegation made under this section shall prevent the Board from itself exercising the function or power delegated.

(4) The Board, shall not delegate-

- (a) its power to delegate; or
- (b) the power to approve the annual budget or any supplementary budget the annual balance sheet or any statement of account.

23. The funds and resources of the Authority shall consist of-

- (a) such sums as may be provided by Parliament for the purposes of the Authority;
- (b) such sums as the Authority may, from time to time, borrow in accordance with this Act;
- (c) any sums or property which may become payable to the Authority under this Act or any other written law or which may vest in the Authority in any manner in the performance of its functions.

Funds of the Authority

24.-(1) With the prior approval of the Minister and with the consent of the Minister for the time being responsible for finance, the Board may, from time to time, obtain loans and other credit facilities from any person for the purposes of the Authority upon such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any directions by the Minister, it may deem fit.

Power to raise and guarantee loans

(2) The Board may, if it is of the opinion that the public interest so requires, and subject to the approval of the Minister, guarantee the repayment of a loan and the Payment of interest on a loan made to any person engaged in the cultivation or production of coffee or engaged in the processing or marketing of coffee or coffee products.

(3) A person giving a loan or other credit facility to, the Authority or, as the case may be, giving a loan to any person the repayment of which is guaranteed by the Authority shall not be bound to enquire whether the Board has obtained the approval of the Minister for the purposes of that loan or other credit facility or the guarantee.

- Investment
- Acts, 1967
No. 33
- Annual and
supplemen-
tary budget
- 25.** With the prior approval of the Minister, the Board may, from time to time, invest any part of the moneys available in any fund of the Authority and which is not for the time being required for the purposes of the business, of the Authority in such investments as are authorized investments in relation to investment of fund's by a trustee under the Trustees, Investments Act, 1967.
- 26.**-(1) Subject to subsection (2), "financial year" in this Act means any period not exceeding twelve consecutive months designated by the Board as the accounting period of the Authority.
- (2) The first financial year of the Authority shall commence on the effective date 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 Board 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 Authority during that financial year, and whenever circumstances so require, the Board 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 Board 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 such amendment as he may consider 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 Board which, subject to subsection (8), shall confine the disbursements of the Authority within the items and amounts contained in the applicable estimates as approved by the Minister.
- (8) The Board may —
- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding 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.

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

Accounts
and audit

(a) the receipt and expenditure of moneys, and other financial transactions of the Authority;

(b) the assets and liabilities of the Authority,

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

Acts, 1968
No. 1

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

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

28.(1) The Authority shall cause to be prepared and Submitted to the Minister within six months after the close of each financial year an annual report dealing generally with the activities and operations of the Authority during that year. The report shall be accompanied by-

Annual
report

(a) a copy of the audited accounts of the Authority, together with the auditors' report, if any, on the accounts;

(b) a statement of all directions given by the Minister to the Authority under this Act during that year;

(c) such other information as the Minister may direct.

(2) The Authority shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing reasonably request from time to time.

(3) The Minister shall, as soon as practicable after receiving them, lay before the National Assembly the audited accounts of the Authority together with the auditors' report, if any, on the accounts and the annual report of the Authority.

29.-(1) The Minister may, after consultation with the Minister for the time being responsible for finance, and with the Board, by order in the Gazette, impose a levy on coffee or any category of coffee produced or processed in the United Republic.

Power to
impose levy

(2) Levy imposed under this section shall be computed and collected at such rate and in such manner as may be prescribed by regulations made under this Act and shall form part of the financial resources of the Authority.

PART VI

GENERAL PROVISIONS

Protection
of
members of
the Board,
etc.
Cap. 16
Acts, 1970
No. 7
Acts, 1974
No. 37

30. Without prejudice to the provisions of section 284A of the of 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 Board or by any employee of the Authority shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Board or an employee of the Authority, subject him to any action, liability or demand of any kind.

Power to
search

31.-(1) Subject to any regulations made in that behalf, if any police officer of or above the rank of Sub-Inspector or any other person authorized in that behalf in writing by the Authority reasonably suspects that any coffee is being or has been dealt with in, contravention of this Act or of any regulations, order, directions or requirement made, given or issued under this Act, he may-

- (a) stop or enter and search any vehicle or vessel used for the transportation of coffee; or
- (b) enter and search any place used for the cultivation, production, processing, storage or manufacture of coffee; or
- (c) enter and search any premises in which any books or documents used in connection with any transactions relating to coffee are kept,

for the purpose of investigating any offence under this Act, and may examine, weigh or measure any coffee he may find and take copies of any books or documents or make extracts from them..

(2) Any person who resists or obstructs any police officer or any other authorized person in the exercise of his powers under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

General
penalty

32. Any person who commits any offence under this Act or under any subsidiary legislation made under it and in respect of which no specific penalty is provided, shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

Forfeiture

33.-(1) Where any court convicts any person of an offence under this Act or under any subsidiary legislation made under it, the court may, in addition to any penalty it may impose, under that the coffee in respect of which, the offence has been committed be forfeited to the Authority.

(2) Any coffee forfeited under this section shall be delivered to the Authority and shall vest in the Authority free of any mortgage, charge, lien or other encumbrance of any kind.

34. Where any offence under this Act or any subsidiary legislation, made under it is committed by a body corporate then, as well as the body corporate, any person who, at the time of the commission of the offence, was concerned, as a director or an officer, with the management of the affairs of the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of the commission of the offence.

Where offence committed by body corporate

35. Where an offence under this Act or any subsidiary legislation made under it is committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of the commission of the offence.

Liability of employer or principal

36. Where any order or direction made or given by the Minister, the Director or the Authority under this Act is not required to be, published in the *Gazette*, the order or direction shall be brought to the notice of persons affected or likely to be affected thereby in any manner determined by the Minister, the Director or, as the case may be, the Board:

Notification of orders and directions

Provided that if the order or direction, is published in the *Gazette* all persons shall be deemed to have notice of it.

37. In any proceedings for an offence under this Act the burden to prove that the order, direction or requirement, the contravention of which constitutes the offence with which the accused is charged, does not apply to the accused or, in the case of an order, direction or requirement not published in the *Gazette*, that he had no notice of the contents of the order, direction or, as the case may be, requirement, shall lie on the accused.

Burden of proof

38. The Minister or, with the approval of the Minister, the Authority, may exempt any person or category of persons or any coffee or class of coffee from the application of all or any of the provisions of any regulation, order, direction or requirement made, given or issued under this Act in the exercise of their respective powers.

Exemption

39.-(1) The Minister may make regulations for the better carrying out of the objects and provisions of this Act.

Regulations by the Minister

(2) Without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations-

(a) providing for the conduct of the business of the Authority and, of the Board;

(b) providing for the appointment by the Board of committees of the Board to which persons who are not members of the Board may be co-opted;

- (c) providing for the duties of the General Manager;
 - (d) prescribing the conditions and terms upon which any specified facilities or services within the Scope Of the functions of the Authority shall be provided to growers, coffee processors, and other members of the public;
 - (e) providing for the prohibition or control of the importation or export of coffee;
 - (f) providing for the control land regulation of the purchase, sale and processing of coffee;
 - (g) providing for the proper management, control and administration of the Authority; and providing for and regulating discipline amongst the employees of the Authority;
 - (h) prescribing anything which is required or permitted to be prescribed under this Act; and providing for any other matter which, in the opinion of the Minister, is necessary to provide for the efficient performance of the functions of the Authority.
- (3) Regulations made under this section shall be published in the *Gazette*.

PART VII

DISSOLUTION OF COFFEE BOARD AND INCIDENTAL PROVISIONS

Construction
Cap. 438

40. In this Part and in Part VIII, unless the context otherwise requires the Coffee, Board" means the Tanganyika Coffee Board established by the Coffee Industry Ordinance.

Transfer of assets and liabilities of Coffee Board

41. With effect from the effective date all the assets and liabilities of the Coffee Board shall, by virtue of this section and without further assurance, vest in the Authority and the Coffee Board shall be deemed to have been dissolved.

Effect of dissolution of Coffee Board

42.-(1) Every person employed by the Coffee Board immediately before the effective date shall be employed, and as from the effective date shall be deemed to have been employed, by the Authority.

(2) After a person becomes an employee of the Authority by virtue of subsection (1), the terms and conditions of service applicable to him in his employment with the Authority shall, except where the President directs otherwise, be not less favourable than those which were applicable to him immediately before his transfer to the service of the Authority and he shall be deemed to have been appointed to the service of the Authority in such office as the Board shall determine, and for the purposes of determining any right to gratuity or other superannuation benefit, his service with the Authority shall be regarded as continuous with his service immediately before the effective date.

(3) After a person becomes an employee of the Authority by virtue of subsection (1), his employment immediately before the effective date and his employment by the Authority shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of that section.

(4) Every instrument specified under subsection (5) and to which that subsection applies shall, by virtue of this section continue in full force and effect and, the Authority shall-

- (a) be substituted for the Coffee Board as a party to the instrument;
- (b) be entitled to receive, and, enforce payment of, any money payable under the instrument;
- (c) be entitled to obtain, transfer, conveyance or assignment of, and enforce possession of any property which is to be transferred, conveyed or assigned under the instrument;
- (d) be liable to make payment of any money payable under the instrument;
- (e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned under the instrument,

as the case may be.

(5) This subsection applies to, instruments (including contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters, of credit and securities)-

- (a) to which the Coffee Board is a party;
- (b) under which any money is or may become payable or any other property is to be, or may become, liable to be transferred, conveyed or assigned, by the Coffee Board,

which are subsisting at the effective date or come into, existence after that date.

(6) Every reference in any written law to the Coffee Board shall be construed as a reference, to the Authority.

PART VIII

REPEAL AND CONSEQUENTIAL PROVISIONS

43.-(1) The Coffee Industry Ordinance is hereby repealed.

Repeal of
Cap 438

(2) Every licence issued to any person under the Coffee Industry Ordinance entitling him to deal in any manner in coffee shall, from the effective date, be deemed to have been revoked.

44. Notwithstanding the repeal of the Coffee Industry Ordinance- savings

- (a) all directions given by the Coffee Board and A rules made by the Minister under the Coffee Industry Ordinance which are in force on, the effective date shall be deemed to be directions given by the Authority or, as the case may be, rules made by the Minister under this Act, and shall remain in force until revoked by directions given or regulations made under this Act:

Provided that this paragraph shall not apply to any directions or rules relating to licences for dealing in coffee or relating to the imposition or collection of levy;

- (b) every compulsory marketing order made by the Coffee Board under the Coffee Industry Ordinance which is in force on the effective date shall be deemed to be a compulsory marketing order made by the Authority under this Act, and shall remain in force until revoked or replaced by an order made under this Act.

Transitional provisions

45.-(1) Notwithstanding any provision contained in this Act to the contrary, the Minister may, on the recommendation of the Board and upon being satisfied that special circumstances exist which make it just and equitable to do so, permit any person who was licensed under the Coffee Industry Ordinance to deal in any manner in coffee to continue his dealings, after the effective date, upon, such conditions as the Minister may prescribe:

Provided that the power conferred upon the Minister by this section shall not be exercised after the expiration of six months from the effective date.

(2) The Minister may, by order in the *Gazette*, at any time before the expiry of twelve months from the effective date, make such consequential, transitional or supplementary provisions as he may consider necessary consequent upon the repeal of the Coffee Industry Ordinance or for facilitating the assumption by the Authority of the assets and liabilities of the Coffee Board

SCHEDULE

(Section 5 (2))

Composition of the Board

1.-(1) The Board shall consist of:-

- (a) a Chairman, who shall be appointed by the President;
 (b) the General Manager;
 (c) not less than ten but not more than twelve other members, who shall be appointed by the Minister.

(2) The members appointed under paragraph 1 (1)(c) shall be persons who, in the opinion of the Minister, are experienced in the production or marketing of coffee or products of coffee, in financial matters, in public administration or in matters relating to economic planning or development.

(3) The Board may appoint any member of the Board or any employee of the Authority to be the Secretary of the Board.

Vice-Chairman

2. The members of the Board shall elect one of their number to be the Vice-Chairman of the Board, 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.

Tenure of appointment

3.-(1) A member of the Board, other than the General Manager, shall, unless his appointment is sooner terminated by the appointing authority, or he ceases in any other way to be a member, hold office for the period specified by the appointing authority in the instrument of his appointment or, if no period is so specified, for a period of three years from the date of his appointment, and shall be eligible for re-appointment.

(2) Any member of the Board, other than the General Manager, may at any time resign his office by giving notice in writing addressed 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.

4. If any member of the Board, other than the General Manager, is by reason of absence from the United Republic or illness or other sufficient cause unable to perform his duties as a member of the Board, the appointing authority may appoint a temporary member in his place, and the temporary member shall hold office until the resumption of duty of the substantive member or until the term of office of the substantive member expires, whichever occurs first.

Appointment of temporary member

5.-(1) The Board shall ordinarily meet for the transaction of business at the times and at the places decided upon by the Board, but shall meet at least once every three months.

Meetings of the Board

(2) The Chairman, or in his absence the Vice-Chairman, may at any time call a special meeting of the Board, and shall call a special meeting upon a written request by a majority of the members of the Board in Office.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board. In the absence of both the Chairman and the Vice-Chairman the members present shall appoint a member from amongst themselves to preside over the meeting.

6. The quorum at a meeting of the Board shall be seven.

Quorum

7.-(1) Questions proposed at a meeting of the Board 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.

Decisions of the Board

(2) Notwithstanding sub-paragraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members of the Board, and the expression of the views of the majority of the members of the Board in writing, but any member shall be entitled to require that the decision be deferred and the subject-matter be considered at a meeting of the Board.

8. The Board shall cause to be recorded and kept minutes of all proceedings of its meetings and the minutes of each meeting of the Board shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting.

Minutes of meetings

9. The validity of any act or proceeding of the Board 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

10.-(1) The application of the official seal of the Authority shall be authenticated by two signatures, namely-

Execution of contracts, etc.

- (a) the signature of the Chairman of the Board or some other member of the Board, other than the General Manager, authorized by the Board in that behalf; and
- (b) the signature of the General Manager or some other employee of the Authority authorized by the Board to act for that purpose in place of the General Manager.

(2) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Authority by the General Manager or any other member of the Board if that member has previously been authorized, either specifically or generally by resolution of the Board, to execute or enter into that particular instrument or contract or that class of instruments or contracts.

(3) Every document purporting to be a document executed or issued by or on behalf of the Authority and to be:-

- (a) sealed with the official seal of the Authority authenticated in the manner provided by sub-paragraph (1); or
- (b) signed by the General Manager or by a member of the Board authorized in accordance with sub-paragraph (2) to act for that purpose, shall be deemed to be so executed or issued until the contrary is proved.

11. - Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

Board may regulate its own proceedings

Passed in the National Assembly on the twenty-seventh day of April, 1977.



Clerk of the National Assembly

**SHERIA YA KILIMO NA UCHUMI WA KAHAWA, YA MWAKA
1977**

YALIYOMO

SEHEMU YA KWANZA

UTANGULIZI

Fungu

Kichwa cha Habari

1. Jina la Sheria na mwanzo wa kutumika.
2. Ufafanuzi.

SEHEMU YA PILI

MAMLAKA YA KAHAWA YA TANZANIA

1. Kuanzishwa kwa Mamlaka ya Kahawa ya Tanzania.
4. Kazi za Mamlaka.
5. Baraza la Wakurugenzi.
6. Waziri aweza kutoa maagizo kwa Mamlaka.
7. Kanuni na maagizo ya mamlaka.

SEHEMU YA TATU

MAAGIZO NA UZAJI WA KAHAWA NA SHUGHULI NINGI ZA
KAHAWA

8. Maeneo, ya kulimwa kahawa.
9. Mamlaka yaweza kutoa maagizo.
10. Masharti ya kupanda kahawa.
11. Kuzuwia maradhi.
12. Mamlaka inaweza kuweka masharti juu ya shughuli za kahawa.

SEHEMU YA NNE

MAAGIZO NA UZAJI WA KAHAWA

13. Masharti ya kusafirisha kahawa.
14. Mamlaka ndiyo mnunuzi pekee wa kahawa.
15. Maagizo juu ya uzaji wa kahawa.
16. Kima cha chini cha bei ya kahawa.
17. Kumbukumbu na habari.

SEHEMU .YA TANO

MAsHARTi YA FEDm NA YA UoNGozi

18. Kuajiri wafanya kazi
19. Uhamisho wa wafanyakazi wa Mamlaka.
20. Ujira wa wajumbe wa Baraza.
21. Maslahi ya uzeeni.
22. Uwezo wa Baraza wa kuwakilisha, madaraka yake.
23. Mapato ya Mamlaka.
24. Uwezo wa kukopa, na kudhamini mi,kopo.
25. Kutega uchumi.
26. Makadirio ya mapato na matumizi.
27. Hesabu na u,kaguzi wa hesabu.
28. Taarifa, ya mwaka.
29. Uwezo wa kutoza ushuru.

SEHEMU YA SITA

MASHARTI YA KAwAiDA

30. Dhaynana ya wajumb~e, n k.
31. Uwez~o wa kupekua.
32. Adhabu ya junila.
33. Kuhozi.
34. Kosa kutendwa na shirika.
35. Muajiri au msimamizi kuhusika na kosa.
36. Utangazaji wa kanuni au maagizo.
37. Jukumu la kuthibitisha.
38. Msamaha.
39. Waziri kuweka k .

SEHEMU YA SABA

KuvuNjwA KwA BARAzA LA Y.m-uwA NA MAToKEo YAKE

40. Ufafanuzi.
41. Kuhawifisha rasilmali na dhima za Baraza la Kahawa.
42. Matokeo ya kuvunjwa kwa Baraz,a la Kahawa.

SEHEMU YA NANE

KuFuTwa KwA SHERIA YA KAHAWA YA ZAmANi NA MAToKEo YAKE

43. Kufutwa kwa Sheria ya Kahawa ya zaniani, Sura ya 438.
44. Masharti ya Sheria ya Kahawa ya zamam yatakayoendelea kutumika.
45. Masharti ya muda.

NYONGEZA

JAMHURI YA MUUNGANO WA TANZANIA



NA. 5 YA 1977

NAKUBALI

J. J. K. Nyerere
Rais

22 Juni, 1977

Sheria ya kuanzisha Mamlaka ya Kahawa ya Tanzania na kueleza kazi na madaraka ya Mamlaka; kuweka masharti kuhusu uthibiti, urekebishaji na, ustawishaji bora wa uchumi wa kahawa; kuifuta He Sheria, ya Kahawa ya zamani na kueleza mambo mengineyo yanayohusika na uchumi wa kahawa

[-----]

SHERIA HII IMETUANGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEW YA KWANZA

UTANGULIZI

1. Sheria hii itaitwa Sheria ya Kilimo na Uchumi wa Kahawa, jinana mwaka 1977 na itaanza. kutunika rnamo tarehe itakayowekwa namwanzowa kutuffi'a aziri kwa kutangaza katika *Gazeti la Serikali*.
- 2.-(1) Katika Sheria hii, ila iwapo maelezo yake yatahitaji tafsiri Ufafanuzi nyingineyo-
 - „maniakal, maana yake ni Mamlaka ya Kahawa ya Tanzania yaliyoanzishwa na fungu la 3;
 - "Baraza" maana yake ni Baraza la Wakurugenzi wa Mamlaka Miloanzishwa chini ya fungu t'a 5;
 - "kahawa" maana yake ni kahawa yenye maganda na buni safi;
 - "Mkurugenzi" maana yake ni ofisa mshika madaraka ya idara katika Wizara ya Kilimo inayosimamia mastawisho ya mazao;
 - "tarehe ya kuanza" maana yake na tarehe ya kuanza kutunika kwa Sheria hii;
 - "mkulima" maana yake ni, mitu yeyote anayelima kahawa;
 - "Waziri" maana yake ni Waziri wa Kilimo;
 - "kutengenezaji" maana yake ni kutengenem kahawa kwa namna yoyote
- (2) "Ununuzi" na "uuzaji" ni pamoja na kutaka kuuza au kununua na vile vile shughuli yoyote ambayo kitu kinachoshughulikiwa kitakwenda kwa mnunuzi.

SEHEMU YA PILI

MAMLAKA YA KAHAWA YA TANZANIA

Kuanzishwa
kwa
Mamlaka ya
Kahawa ya
Tanzania

3.-(1) Kutakuwa, na Mamlaka, ambayo yataitwa Mamlaka ya Kahawa ya Tanzania.

(2) Mamlaka haya yatakuwa ni shirika, la kisheria na-

- (a) yAtakuwa yakudumu na yatakuwa na muhuti wake rasmi;
- (b) kwa jina, lake hilo yatawca kushtaki, na pia, kushtakiwa;
- (c) kwa kufuata Sheria, hii, yataweza, kushika, kununua au kupata au kusarifu mali..yoyote inayoharnishika, na isiyohamishika kwa ajili ya kuendesha kazi ambazo yarnepewa, chini ya Sheria hii au sheria, nyingineyo yoyote ya maandishi.

Kazi za
Mamlaka

4.-(1) Kazi za Mamlaka zitakuwa hizi-

- (a) kustaw.isha kahawa, kuinua hali na kuulinda uchumi wa. kahawa;
- (b) kutayarisha, kutekeleza, kudhibiti na kusimamia mipango inayo. husika na ustawi wa uchumi wa, kahawa;
- (c) kuendesha, amapeke yake au kwa kushirikiana na mtu mwingine yeyote, kazi ya kulima na kutoa zao la kahawa, kazi ya kuitengeneza kahawa, na kazi au shughuli nyingine zozote zinazoclekeana au zinazohusiana na kazi hizo;
- (d) kusimamia, uuzaji na upelekaji nje wa kahawa;
- (e) kurnshauri Waziri juu ya hatua zifaazo kwa ajili ya kuinua na kuulinda uchumi wa kahawa;
- (f) kushiriki katika, kuinua au kudhibiti utoaji au uuzaji wa, kahawa kwenye shirika lolote la kimataifa au kuingia, katika mapatano yanayohusika na mambo hayo.

(2) Bila ya kuathiri kazi za jumla zilizoelezwa katika, kifungu cha, (1), na kwa kufuata waagizo yoyote ya Waziri, maagizo ya jumla au maagizo maalum, Mamlaka haya yaweza hasa-

- (a) kuthibiti na, mara kwa mara, kuweka bei zitakazolipwa kwa ajili ya kahawa au mazao yatokanayo na kahawa yanayosafirishwa au kuuzwa kwa ajili ya viwanda vya hapa nchini na yanaweza kuzingatia bei hizo kwa namna yatakavyoona inafaa;
- (b) kurekebisha uuztiji wa kahawa na mazao yatokanayo na kahawa kwa matunfizi ya Jamhuri ya Muungano.
- (c) kutoa huduma kwa ajili ya kustawisha uchumi wa kahawa pamoja na-
 - (i) kuanzisha mashamba ya kahawa ya niaonyesho kwenye sehemu zinazolihiwa kahawa;
 - (ii) kusimamia ukulima mimea ya kahawa na uvunaji au utengenezaji wa. kahawa unaofanywa na wakulima wa kahawa;
 - (iii) kukagua, kupambanua na kuweka daraja za kahawa,.

- (iv) kufanya mipango kwa ajili ya uuzaji, uwekaji na uchukuzi wa kahawa;
- (v) kutoa huduma, nyinginezo za kitaalam kama zitakazohitajiwa na wakuhma, kwa ajili ya kulima mazao yasiyokuwa kahawa;
- (d) kufanya uchunguzi au kulipia uchunguzi katika utoaji, uuzaji na utumlaaji wa kahawa na mazao, yatokanayo na kahawa;
- (e) kupata na kushika masilahi, kwa mapatano katika kampuni yoyote au shirika linaloshughulika na kahawa au mazao yatokanayo na kahawa;
- (f) kusimamia na kuendeleza shughuli za shirika lolote la umma au kampuni yoyote ambayo masilahi yake yamewekwa au yamepatikana na Mamlaka chini ya Sheria hii. Iwe shughuli hiyo inahusika na kahawa au mazao yatokanayo na kahawa au vinginevyo;
- (g) kufungua matawi yake katika Jamhuri ya Muungano au mahali penginepo;
- (h) kwa kufuata Sheria hii na kwa kufuata kanuni zozote zilizo fanywa na Waziri kuhusu utoaji wa leseni chini ya fungu la 39, yatatoa leseni kuwapa watu kwa ajili ya kutengeneza kahawa. kutoa mazao yoyote yatokanayo na kahawa au kufanya shughuli yoyote nyingineyo inayohusika na kahawa;
- (i) kutenda vitendo vyote na mambo yote ambayo Baraza linaona kuwa ni ya lazima ili kudumisha na kukuza sifa bora ya Mamlaka, na kupata imani ya umma na kuinga au kupunguza hasara kwa Mamlaka;
- (j) kutenda jambo lolote au kujitia katika shughuli yoyote ambayo, kwa maoni ya Baraza, inafaa kwa ajili ya utekelezaji bora wa kazi za Mamlaka chini ya Sheria hii.

(3) Kwa makusudi ya kutekeleza kazi zake, Mamlaka yatahesabiwa kuwa yanayo kila aina ya leseni, ruhusa na kila idhini ambayo yaweza kuhitajiwa na Sheria hii kwa ajili ya jambo, lolote linalohusika na uchumi wa kahawa.

5.-(1) Litakuwapo Baraza la Wakurugenzi wa Mamlaka ambalo kwa kufuata Sheria hii, litatekeleza kazi na kusimamia shughuli na mambo mengineyo ya Mamlaka.

(2) Yale masharti yaliyoko kwenye Nyongeza ya Sheria hii yatahusu kwenye katiba na maendeleo ya Baraza na pia kwenye Baraza lenyewe.

(3) Waziri, kwa amri atakayoitangaza katika Gazeti la *Serikali*, aweza kusahihisha, kugeuza au kubadilisha masharti yote au sharti lolote kwenye Nyongeza ya Sheria hii.

6. Waziri awoze kulipa Baraza maagizo kwa jumla au maagizo maalum kuhusu kazi zozote zinazotendwa na Mamlaka chini ya Sheria hii, na Baraza litatilia nguvu kila agizo lililopewa

Waziri
aweza kutoa
maagizo kwa
Mamlaka
Kanuni na
maagizo ya
Mamlaka

7.-(1) Itolewapo kanuni yoyote au maagizo yoyote na Mamlaka chini ya Sheria hii, basi Baraza litafikisha yaliyomo kwenye kanuni hiyo au maagizo hayo kwa wanaohusika kwa namna litakavyoamua Baraza mara kwa mara:

Isipokuwa kwamba itafahamika kuwa watu wote wameyajua yaliyomo kwenye kila amri au kwenye maagizo yote iwapo yatatanzwa katika *Gazeti la Serikali*.

(2) Mtu yeyote atakayekosa kufuata amri yoyote au maagizo yoyote yaliyotolewa na Mamlaka atakuwa ametenda kosa.

SEHEMU YA TATU

ULIMAJI NA UTENGENEZAJI WA KAHAWA NA SHUGHULI NYINGINEZO ZA KAHAWA

Maeneo ya kulimwa Kahawa

8.-(1) Waziri baada ya kushauriana na Baraza, na kwa kutangaza kanuni katika *Gazeti la Serikali*, aweza kulitamka eneo lolote au maeneo yoyote katika Jamhuri ya Muungano, kuwa ni eneo au maeneo inapolimwa kahawa au ambapo kahawa italimwa. Eneo litakalotamkwa hivyo litajulikana kuwa ni "eneo la kulimwa kahawa".

(2) Waziri, kila atakapotoa amri chini ya kifungu cha (1), basi Baraza litachukua hatua zote za lazima ili kuitilia nguvu kanuni hiyo.

Mamlaka yaweza kutoa maagizo

9.-(1) Mamlaka, kwa idhini ya Waziri, yaweza kutoa maagizo-

- (a) kuhusu wakati na jinsi ya kutayarisha ardhi kwa ajili ya kupanda kahawa na kuhusu wakati na jinsi ya kuvuna, kukausha, kuweka, kutengeneza na kuuza kahawa;
- (b) kuhusu aina moja au zaidi za kahawa zitakazopandwa katika eneo moja au zaidi ambayo Mamlaka yatataja katika maagizo hayo;
- (c) kurekebisha daraja za kahawa, kufunga katika magunia na kuuza kahawa;
- (d) kurekebisha utengenezaji, uwekaji na uuzaji wa mazao yanayotokana na maganda ya kahawa.

(2) Maagizo yaliyotolewa chini ya fungu hili yatataja aina ya wakulima au watengenezaji wa kahawa ambao itawabidi wayafuate maagizo hayo, na iwapo maagizo yoyote hayataji aina ya wakulima au ya watengenezaji kahawa ambao itawabidi wayafuate, basi itabidi maagizo hayo yafuatwe na wakulima wote wa kahawa na watengenezaji wote wa mazao yatokanayo na kahawa ambao wanahusika.

(3) Mtu yeyote atakayetenda kinyume cha maagizo, au atakayekosa kufuata maagizo yoyote yaliyotolewa na Mamlaka chini ya fungu hili atakuwa ametenda kosa na iwapo ataonekana ana hatia itabidi atozwe faini isiyozidi shilingi elfu tano au kufungwa gereza kwa muda usiozidi miezi kumi na mbili au kupewa adhabu zote mbili, faini hiyo na kifungu hicho.

Masharti ya kupanda kahawa

12.-(1) Mamlaka yaweza kuweka masharti kwamba mimea mipya ya kahawa isipandwe na wakulima isipokuwa mimea iliyopatikana kutoka kwa Mamlaka au mimea ya aina itakayotajwa na Mamlaka kutoka mahali popote.

(2) Iwapo Mamlaka inatoa maagizo chini ya fungu hili itafanya mipango yote inayolazimika ili kuhakikisha kwamba inapatikana mimea ifaayo kupowa wakulima wanaohusika.

11.-(1) Mkurugenzi kwa agizo litakalotiwa sahihi yake, na kwa kusudio la kuzuwia au kukomesha, kuingia au kuenea kwa wadudu, wowote waharibifu au maradhi ya mimea ya kahawa au kahawa yenyewe kwenye eneo lolote lililotajwa katika, agizo hilo, aweza-

Kuzuwia
maradhi

- (a) kusema kwamba ndani ya eneo hilo mumea wowote uliotajwa katika, agizo, hilo ungolewe na uzikwe ardhini na mtu yeyote mwenye kuimiliki au mwenye madaraka, nayo, na kwamba ma tunda, yote au matunda yoyote ya kahawa au takataka za kahawa zichomwe moto;
- (b) kumtaka mkulima yeyote wa kahawa katika eneo hilo avune kahawa yake kwa haraka, iwapo Mkurugenzi ataona kuwa iko tayari kuvunwa;
- (c) kupiga marufuku kwamba, kabla ya tarehe iliyotajwa katika, agizo, mtu yeyote asipande mimea yoyote ya kahawa ndani ya eneo hilo au zao lolote lililotajwa katika, agizo hilo ambalo inajulikana kuwa linaweka wadudu harabu au maradhi ya kahawa;
- (d) kupiga marufuku uhamishaji wa kahawa yoyote mbichi au mmea wowote au kitu chochote chenye kahawa mbichi au kitu chochote ambacho, kwa maoni yake, kinaelekea kuweka wadudu waharibifu au maradhi ya kahawa, kutoka, katika, eneo, hilo bila ya ruhusa ya maandishi iliyotiwa sahihi naye.

(2) Mtu yeyote atakayeenda kinyume cha agizo au atakayekosa kufuata agizo lolote lililotolewa chini ya fungu hili atakuwa ametenda kosa.

(3) Iwapo mtu yeyote atakosa kutekeleza masharti ya agizo lolote lililotolewa chini ya fungu hili, basi Mkurugenzi, baada ya kumpa taarifa ya maandishi ya siku zisizopungua saba kuhusu nia yake ya kumchukulia hatua, atamchukulia hatua zinazolazimika, na kwa hali hiyo, mkosaji, bila ya kujali adhabu yoyote anayostahili kupewa kwa sababu ya kosa lake, itambidi alipe gharama zote za hatua zitakazochukuliwa, gharama ambazo atadaiwa na Serikali.

12.-(1) Bila kuathiri masharti ya, kifungu cha (2) na cha (3), Mamlaka inawoza, kwa idhini ya Waziri, kwa amri itakayotangazwa katika Gazeti *la Serikali*, kupiga marufuku kwa mtu yeyote kuuza, kununua, kuweka, kukodisha, kuweka rehani, kusafirisha, kutengeneza, kupeleka nje ya nchi, kuingiza nchini au kwa nia yoyote, kujishughulisha na kahawa au na mazao yatokanayo na kahawa yaliyotaiwa katika agizo, hilo, au kuingiza nchini kitu chochote kinacho tumiwa katika kutengeneza mazao, yoyote ya kahawa yaliyotajwa katika agizo hilo.

Mamlaka
inaweza
kuweka
masharti juu
ya shughuli
za kahawa

- (2) Hakupa jambo. lolote katika kifungu cha (1) litakalohusika na-
 - (i) Mamlaka;
 - (ii) ajenti wa Mamlaka;
 - (iii) mtu aliyeruhusiwa na Mamlaka kwa Maandishi;
 - (iv) mkulima wa kahawa, kuhusu uzaji au uwekaji wa kahawa yake;
 - (v) mtengenezaji mazao ya kahawa kuhusu mazao yoyote yato kayo na kahawa:

Isipokuwa kwamba Mamlaka yaweza kurekebisha na kudhibiti shughuli yoyote katika shughuli zilitajwa kwenye kifungu hicho.

(3) Hakuna agizo lolote, litakalotolewa chini ya fungu hili, ambalo litahusika na-

- (a) uuzaji wowote wa reja reja au uwekaji au usafirishaji wa kahawa kwa ajili ya uuzaji wa reja reja; au
- (b) kiasi chochote cha kahawa au cha zao litokanalo na kahawa kilichonunuliwa na mtu yeyote kwa ajili ya matumizi yake mwenyewe au matumizi ya watu wa nyumbani mwake au watu wanaomtegemea yeye, au na uwekaji au usafirishaji wa kiasi hicho cha kahawa au, kadri itakavyokuwa, zao la kahawa.

SEHEMU YA NNE

UUZAJI NA USAFIRISHAJI WA KAHAWA

Masharti ya kusafirisha kahawa

13.-(1) Ni marufuku kwa mtu yeyote kusafirisha kahawa au mazao yatokanayo na kahawa isipokuwa Mamlaka yenyewe au kampuni ndogo ya Mamlaka iliyowakilishwa na Baraza kutenda hivyo.

(2) Mtu yeyote atakayetenda kinyume cha kifungu cha (1) atakuwa ametenda kosa na iwapo ataonekana na hatia itahadi, atozwe faini isiyozidi shilingi laki moja au kufungwa gerezani kwa muda usiozidi miaka mitano au kupewa adhabu zote mbili, faini hiyo na kifungu hicho,

Mamlaka ndio mnunuzi pekee wa kahawa

14. Bila kuathiri masharti ya fungu la 15, Mamlaka yatakuwa ndio mnunuzi pekee wa kahawa katika Jamhuri ya Muungano, na kwa ajili hiyo, yataanzisha vituo vya ununuzi ambako wakulima wataweza kuuza kahawa yao kwa Mamlaka.

Maagizo juu ya uuzaji wa lazima

15.(1) Mamiaka, kwa idhini ya Waziri, yaweza kutoa agizo la kuwataka wakulima wa kahawa kwenye eneo lolote litakalotajwa, kuuza kahawa yao au mazao yatokanayo na kahawa kwa mtu fulani au idara fulani itakayotajwa kwa ajili hiyo katika agizo hilo.

(2) Mamlaka, katika agizo lolote lililotolewa chini ya fungu hili yaweza kumsamehe mkulima yeyote au aina yoyote ya wakulima wasihusike na masharti yote au sharti lolote la agizo hilo.

(3) Kila agizo litakalotolewa na Mamlaka chini ya fungu hili litatanzwa katika *Gazeti la Serikali*.

Kima cha chini cha bei ya kahawa

16.-(1) Bila ya kuingilia uwezo, uliotolewa na fungu la 4 (2) (a), Mamlaka, baada ya kushauriana na idara nyinginezo zozote za serikali zinazohusika na bei za mazao ya kilimo, kwa kutoa, agizo katika *Gazeti la Serikali*, inaweza kuweka kima cha chini cha bei, ambayo, kwayo kahawa yoyote au mazao yatokanayo na kahawa yataweza kununuliwa katika hatua yoyote ya kuuzwa kwake, na ni marufuku kwa mtu yeyote kununua kahawa yoyote au mazao yoyote yatokanayo na kahawa yaliyotajwa katika agizo hilo kwa bei ya chini zaidi ya ile bei iliyokwishawekwa.

(2) Bila ya kujali kifungu cha (1), Waziri akiona kuwa kutenda hivyo ni kwa masilahi ya taifa, kwa agizo la mandishi litakalotiwa sahihi naye ataweza kuweka bei zisizokuwa chini ya kiina cha chini cha bei zilizowekwa na Mamlaka ambazo kwazo kahawa au mazao ya kahawa yataweza kununuliwa kutoka kwa wakulima.

(3) Mtu yeyote atakayenunua kahawa yoyote au mazao yatokanayo na kahawa yaliyotajwa katika agizo hilo kwa bei ya chini zaidi kuliko atakuwa ametenda kosa na iwapo ataonekana ana hatia itabidi atozwea faini isiyozidi shilingi elfu tano au kufungwa gerezani kwa miezi kumi na mbili au kupewa adhabu zote mbili, faini hiyo na kifungo hicho.

17.-(1) Mamlaka, kwa kutoa taarifa ya maandishi, yaweza kumtaka mtu yeyote apeleke kumbukumbu au habari kuhusu utoaji akiba utengenezaji, uwekaji, usafirishaji, ununuzi au uuzaji wa kahawa au kitu chochote kinachotumiwa katika kutengeneza mazao yoyote yatokanayo na kahawa.

kumbu-
kumbu na
habari

(2) Kila taarifa itakayotolewa chini ya fungu hili itataja jambo linalotakiwa katika kumbukumbu hiyo au katika habari hiyo na pia muda ambao kumbukumbu hiyo au habari hiyo inatakiwa ipeleke na jinsi ya kuipeleka.

(3) Mtu yeyote atakayepewa taarifa chini ya fungu hili na ambaye-

(a) atakosa kutayarisha kumbukumbu au kutoa habari inayotakiwa ndani ya muda au kwa namna iliyoelezwa katika taarifa hiyo; au

(b) atakayetarisha kumbukumbu au atakayetoa habari ya uwongo au ya kupotosha katika jambo lolote la maana,

atakuwa ametenda kosa na iwapo ataonekana ana hatia itabidi atozwe faini isiyozidi shilingi elfu tano au kufungwa gerezani kwa muda usiozidi miezi kumi na mbili au kupewa adhabu zote mbili, faini hiyo na kifungo hicho.

SEHEMU YA TANO

MASHARTI YA FEDHA NA YA UONGOZI

18.-(1). Rais atamteua Meneja Mkuu wa Mamlaka ambaye ndiye atakayekuwa mtendaii mkuu wa Mamlaka.

Kuajiri wafanyakazi

(2) Baraza, laweza mara kwa mara kuajiri watumishi wengine wa Mamlaka na kuwawekea masharti ya kazi ambayo Baraza litaona yanafaa na ambao idadi yao itaamuliwa na Baraza kutegemea mahitaji na haja ya kuhakikisha utekelezai bora wa kazi na shughuli za Mamlaka.

19.-(1) Baraza laweza kumhamisha mfanyakazi yeyote wa Mamlaka akafanye kazi katika kampuni ndogo ya Mamlaka, au kumhamisha mfanyakazi, yeyote wa kampuni, ndogo ya Mamlaka akafanye kazi katika Mamlaka au katika kampuni ndogo nyingine ya Mamlaka.

Uhamisho
wa wafanyakazi wa
Mamlaka

(2) Iwapo mfanyakazi anahamishwa kwa mujibu wa fungu hili, basi-

- (a) tokea tarehe ya uhamisho wake, atafahamika kama ni mfanyakazi wa kampuni ndogo au wa Mamlaka au, kadri itakavyo kuwa. mfanyakazi wa hiyo kampuni ndogo nyingine alikoha mishiwa;
- (b) masharti yake ya kazi baada ya uhamisho wake hayatakuwa magumu kuliko aliyokuwa nayo kabla ya uhamisho huo, na katika kufikiria malipo ya kiinua mgongo au faida nyingineyo yoyote ya uzeeni, utumishi wake katika Mamlaka au kadri itakavyokuwa, katika kampuni ndogo aliyohamishiwa, utafahamika kama unaendelea pamoja na utumishi wake kabla ya kupata uhamisho; na
- (C) kuajiriwa kwake kabla ya uhamisho na kuajiriwa kwake baada ya uhamisho kutafahamika kama kuajiriwa na muajiri mmoja kwa tafsiri ya fungu la 8A la Sheria ya Kiinua Mgongo, ya 1962. na Sheria hiyo itatumika kwa muajiri na muajiriwa kwa kufuata hali zilizoelzwa kwenye kifungu cha (1) cha fungu hilo.
- Sura ya 487
- Ujira wa wajumbe wa Baraza
- 20.(I) Bila kuathiri kifungu cha (2), wajumbe wa Baraza watakuwa na haki ya kulipwa ujira, posho au marupurupu kwa ajili ya gharama za matumizi ambazo Waziri ataziweka mara kwa mara kwa mapendekezo ya Baraza.
- (2) Hakuna ujira wowote, posho au marupurupu atakayolipwa mjumbe yeyote wa Baraza ambaye ni mtumishi wa Serikali isipokuwa tu yale marupurupu kwa gharama za matumizi yaliyoidhinishwa mahsusi na Waziri.
- Masilahi ya tizeeni
21. Baraza la Wakurugenzi laweza
- (a) kutoa bahashishi au masilahi mengineyo ya uzeeni kwa wafanyakazi wa Mamlaka;
- (b) kuanzisha na kuchangia kwenye mfuko wa malipo ya uzeeni au mfuko wa masilahi ya matibabu kwa ajili ya wafanyakazi wa Mamlaka;
- (c) kumtaka mfanyakazi yeyote wa Mamlaka achangie kwenye mfuko wa malipo ya uzeeni au mfuko wa masilahi ya matibabu na kuweka kima cha mchango na jinsi ya kulipa kwake.
- Uwezo wa Baraza wa kuwakilisha madaraka yake
- 22.-(1) Bila kuathiri kifungu cha (4), Baraza, mara kwa mara. na kwa hati ya maandishi yenye muhuri wa Mamlaka, laweza kuwakilisha kazi zake au uwezo wake chini ya. Sheria hii kwa. Kamati yoyote ya Baraza au kwa. mfanyakazi yeyote wa. Mamlaka ili kazi na uwezo uliowakilishwa utekelezwe kwa mujibu wa. masharti ya hati hiyo.
- (2) Uwakilishaji chini ya fungu hili waweza kupewa ofisa mwenye cheo chini ya Mamlaka kwa. kutaja cheo chake bila ya kumtaja jina. lake, na kwa. hali hiyo kila. mwenye kushika. cheo hicho na. kila. mtu anayeshika au anayetenda kazi za cheo hicho, bila. ya kuhitajia ruhusa nyingine, ataweza kutekeleza kazi au uwezo uliowakilishwa kwako kwa. mujibu wa uwakilishi aliopewa.

(3) Baraza laweza, wakati wowote, kubatilisha uwakilishi uliotolewa chini ya fungu hili na hakuna chochote kitakacholizuwia kutekeleza kazi zake au uwezo wake ambao liliuwakilisha.

(4) Baraza, kamwe halitaweza kuwakilisha

(a) uwezo wake wa kuwakilisha; au

(b) uwezo wake wa kuthibitisha makadirio ya mwaka au makadirio yoyote ya ziada, mizania ya mwaka au maelezo yoyote ya hesabu.

23. Mapato ya Mamlaka yatakuwa hivi-

(a) kiasi cha fedha kitakachotolewa na Bunge kwa ajili ya Mamlaka;

(b) kiasi cha fedha ambacho Mamlaka yaweza kukopa mara kwa mara kwa mujibu wa Sheria hii;

(c) kiasi chochote cha fedha kitakachoweza kulipwa Mamlaka chini ya Sheria hii au chini ya Sheria yoyote nyingineyo ya maandishi au kitakachoingia kwenye Nfamla kwa jinsi yoyote katika utekelezaji wa kazi zake.

Mapato ya
Mamlaka

24.-(1) Baraza laweza baada ya kupata kibali cha Waziri, na kwa idhini ya Waziri wa Fedha, mara kwa mara kukopa fedha na mikopo mingineyo kutoka kwa mtu yeyote kwa ajili ya shughuli za Mamlaka, na Baraza litakuwa na uwezo, kwa kuzingatia maagizo yoyote yatakayotolewa na Waziri kwa minajili hiyo, wa kuamua juu ya masharti yanayofaa kwa mikopo kuhusu malipo ya deni lenyewe na malipo ya riba.

Uwezo wa
kukopa na
kudhamini
mikopo

(2) Baraza laweza, iwapo linaona masilahi ya umma yahitajia hivyo, na baada ya kupata kibali cha Waziri, kudhamini malipo ya mkopo na pia malipo ya riba kwa mkopo aliopewa mtu yeyote anayejishughulisha na kilimo au uzalishaji wa kahawa au anayejishughulisha na utengenezaji au uuzaji wa kahawa au mazao yatokanayo na kahawa.

(3) Mtu anayetoa mkopo au fedha nyinginezo kwa Mamlaka, au anayetoa mkopo kwa mtu yeyote ambao malipo, yake yamedhamiiniwa na Mamlaka hatalazimika kuuliza kama Baraza limepata kibali cha Waziri kuchukua mkopo huo au fedha nyinginezo au dhamana hiyo.

25. Baraza laweza, baada ya kupata kibali cha Waziri, mara kwa mara, kutumia kiasi cha akiba ya fedha za Mamlaka, ambazo hazihitajiwi kwa wakati huo kwa shughuli za Mamlaka, kutegea uchumi kwa njia ambazo zimeruhusiwa kwa mujibu wa Sheria ya hifadhi ya Mapato ya Wadhamini ya mwaka 1967.

Kutega
uchumi

Sheria za
1967, Na 33

26.-(1) Bila kuathiri kifungu cha (2), "mwaka" katika Sheria hii maana yake ni kipindi cha muda usiozidi miezi kumi na mbili mfululizo kitakachoteuliwa na Baraza kuwa ndicho kipindi cha mahesabu cha Mamlaka.

Makadirio
ya mapayo
na
matumizi

(2) Mwaka wa kwanza wa Mamlaka utaanza mnamo tarehe ya kuanza, na waweza kuwa mwaka wa kipindi cha muda unaozidi au kupungua miezi kumi na mbili

(3) Ndani ya miezi miwili kabla ya mwaka wowote mpya kuanza (isipokuwa mwaka wa kwanza) Baraza litajadili, katika mkutano. na, kupitisha makadirio ya mapato na matumizi (makadirio ambayo kwa kifupi yataitwa "makadirio ya mwaka") ambayo yataeleza kinaganaga Mamlaka yatazamia katika mwaka huo-

- (a) kupata kiasi gani cha fedha; na
- (b) kutumia kiasi gani cha fedha,

na iwapo hali ya mambo italizimu hivyo, basi Baraza litapitisha makadirio ya nyongeza katika mwaka, wowote.

(4) Makadirio ya mwaka yote na makadirio ya nyongeza yote yatatakiwa kuwa. na maelezo kamili kadri Waziri atakavyoidhinisha.

(5) Mara tu baada ya kupitisha makadirio ya mwaka yoyote au makadirio ya nyongeza yoyote. Baraza litawasilisha, kwa, Waziri makadirio ya mwaka hayo au, kadri itakavyokuwa, makadirio ya nyongeza hayo ili atoe kibali chake.

(6) Baada ya kupokea makadirio ya mwaka au makadirio ya nyongeza Waziri aweza kuyakubali au kuyakataa au aweza kuyarekebisha kwa namna yoyote atakayoona inafaa.

(7) Baada ya Waziri kuyakubali makadirio ya mwaka yoyote au makadirio ya nyongeza yoyote ama bila mabadiliko ama baada ya kuyarekebisha, basi, bila kuathiri kifungu cha (8), Baraza litatakiwa kufuata makadirio hayo na itakuwa marufuku kutumia kiasi chochote cha fedha kwa shughuli za Mamlaka kinachozidi makadirio yaliyopangwa na kukubaliwa na Waziri.

(8) Baraza laweza

- (a) kwa kibali maalum kilichotolewa kwa maandishi na Waziri, kutumia kiasi chochote cha fedha hata kama, kiasi hicho hakikupangwa katika makadirio ya matumizi;
- (b) kurekebisha matumizi kwa ajili ya kukabili matatizo ambayo haikuwezekana kuyafikiria wakati wa kutayarisha makadirio ya mapato na matumizi, ila kwa sharti kwamba, Baraza litawasilisha kwa Waziri makadirio ya nyongeza ndani ya, miezi miwili tangu yaliporekebishwa matumizi hayo.

Hesabu na ukaguziwa hesabu

27.-(1) Baraza litaangalia kuwa hesabu kamili na sahihi zinatengenezwa na. kuwekwa kuhusu-

(a) mapato na matumizi ya Mamlaka, pamoja na mambo mengine yote yanayohusika na fedha au mali za. Mamlaka;

(b) rasilimali na madeni ya Mamlaka, na. litahakikisha kuwa kunatengenezwa kila mwaka mizania itakayonyesha mapato na matumizi ya Mamlaka. pamoja na maelezo ya rasilimali yake na. madeni yake.

(2) Baada ya mwisho wa. kila mwaka na ndani ya, miezi sita tangu mwisho wa mwaka vitabu vya hesabu vya Mamlaka pamoja na mizania ya mwaka huo vitatakiwa vikaguliwe na Shirika la Tanzania la Ukaguzi wa Hesabu lililoundwa kwa mujibu wa Sheria ya Shirika. la Tanzania la Ukaguzi wa Hesabu, ya mwaka 1968.

Sheria za 1968, Na. I

(3) Kila mizania iliyokaguliwa itawasilishwa mbele ya mkutano wa Baraza na ikiwa Baraza litaikubali mizania hiyo basi Baraza lita-thibitisha kwa maandishi kwamba taarifa hiyo imekubaliwa na Baraza.

(4) Mara tu baada ya vitabu vya hesabu vya Mamlaka vikisha-kaguliwa, na kwa hali yoyote ndani ya miezi sita. tangu mwisho wa mwaka. Baraza litapeleka kwa, Waziri nakala moja ya taarifa ya Ukaguzi wa vitabu hivyo vya hesabu pamoja na nakala moja ya taarifa ya wakaguzi wa hesabu. kama ipo, kuhusu ukaguzi waliofanya na matokeo yake.

28.-(1) Kila baada ya mwisho wa mwaka na ndani ya miezi sita tangu mwisho wa mwaka Mamlaka itaangalia kuwa taarifa ya mwaka ambayo itaeleza kwa, jumla kuhusu kazi na shughuli za Mamlaka, katika mwaka huo itatengenezwa na kupelekwa kwa Waziri. Kutaa-mbatishwa kwenye taarifa hiyo-

Taarifa ya
mwaka

(a) nakala moja ya hesabu za Mamlaka zilizokaguliwa, pamoja na taarifa ya wakaguzi wa hesabu kama ipo, kuhusu hesabu hizo;

(b) orodha ya maagizo yote ambayo Waziri aliyatoa kwa Mamlaka katika mwaka huo kwa mujibu wa Sheria hii;

(c) habari yoyote nyingine kadri Waziri atakavyoagiza.

(2) Mamlaka pia yatampelekea Waziri taarifa nyinginezo kuhusu mambo yake ya fedha kadri atakavyoagiza mara kwa mara kwa maandishi.

(3) Mapema iwezekanavyo baada ya kuzipokwa, Waziri atawasilisha mbele ya Bunge hesabu za Mamlaka zilizokaguliwa pamoja na taarifa ya wakaguzi wa hesabu, kama, ipo, kuhusu hesabu hizo na taarifa ya mwaka ya Mamlaka.

29.-(1) Waziri aweza, baada ya kushauriana na Waziri wa Fedha pamoja na Baraza, kwa kutangaza amri katika *Gazeti la Serikali*, kuamuru kuwa ushuru utozwe kwa kahawa au kwa aina yoyote ya kahawa inayolimwa au inayotengenezwa katika Jamhuri ya Muungano.

Uwezo wa
kutoza
ushuru

(2) Kiasi cha ushuru utakaotzwa kwa mujibu wa fungu hili kita-kadiriwa na kukusanywa kama itakavyoagizwa kwenye kanuni zita-kazotungwa kwa mujibu wa Sheria, hii na. ushuru huo utakuwa ni moiawapo ya njia za Mamlaka kupatia mali.

SEHEMU YA SITA

MASHARTI YA KAWAIDA

30. Bila kuathiri masharti ya fungu la 284A la Sheria ya Kanu, ni za jinai au masharti ya Sheria, ya Madeni ya Watumishi wa Serikali, ya mwaka 1970 au masharti ya Sheria ya Madeni ya Watumishi wa Mashirika ya Umma, ya 1974, mjumbe yeyote wa Baraza au mtumishi yeyote wa Mamlaka. atakayetenda jambo lolote au atakayekosa kutenda jambo lolote linalohusika na madaraka yake kama mjumbe wa Baraza au mtumishi wa Mamlaka, akitenda au akikosa kutenda jambo hilo kwa nia njema, na kwa mujibu wa. Sheria, hatakuwa. na lawama yoyote ya kustahili kuchukuliwa, hatua. za kisheria kutokana na jambo hilo.

Dhamana ya
wajumbe wa
Sura ya 16
Sheria za
1970 Na .7
Sheria za
1974, na 37

Uwezo wa kupekua

31.-(1) Iwapo Polisi yeyote mwenye cheo cha, Mkaguzi Msaidizi au cheo cha juu zaidi ya hicho, au mtu mwingine yeyote aliyeidhinishwa na Mamlaka kwa maandishi kwa ajili hiyo, atatuhumu kwamba kahawa yoyote inashughulikiwa au irneshughulikiwa kinyume cha kanuni zozote, amri, maagizo au matakwa yoyote yaliyotungwa, au yaliyotolewa au kuwekwa kwa mujibu wa Sheria hii. aweza, bila kuathiri kanuni zozote zilizowekwa kwa minajili hiyo-

- (a) kusimamisha au kuingia na kupekua gari au chombo chochote kinachotumiwa kusafirisha kahawa; au
- (b) kuingia na kupekua mahali popote panapotumiwa kwa ukulima, utoaji, ufanyaji, uwekaji au utengenezaji wa kahawa; au
- (c) kuingia na kupekua mahali popote ambapo panawekwa vitabu vyovyote au hati zozote zinazohusikana na shughuh za kahawa.

kwa madhumuni ya kufanya upelelezi kuhusu kosa lolote dhidi ya Sheria hii na anaweza kuikagua, kuipima kwa mizani au kuikadiri kahawa yoyote itakayopatikana na pia kuchukua nakala za vitabu vyovyote au hati zozote au kuchomoa na kuchukua kurasa za vitabu hivyo au sehemu za hati hizo.

(2) Mtu yeyote atakayenikaidi au kumzuia ofisa yeyote wa polisi au mtu mwingine yeyote aliyeidhinishwa katika kutekeleza wajibu wake kwa mujibu wa fungu hili atakuwa ainetenda kosa na akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu mbili au kufungwa gerezani kwa muda usiozidi miezi sita au kupewa adhabu zote mbili, faini hiyo na kifungo hicho.

Adhabu ya jumla

32. Iwapo mtu yeyote atatenda kosa lolote dhidi ya Sheria hii au dhidi ya sheria ndogo zozote zilizotungwa kwa mujibu wa Sheria hii, ambalo halikuwekwa adhabu maalum, akipatikana na hatia mbele ya mahakama atapaswa kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu tano au kufungwa gerezani kwa muda usiozidi miezi kumi na mbili au kupewa adhabu zote mbili, faini hiyo na kifungo hicho.

Kuhozi

33.-(1) Iwapo mtu yeyote atapatikana na hatia kwa kosa lolote dhidi ya Sheria hii au dhidi ya sheria ndogo zozote zilizotungwa kwa mujibu wa Sheria hii, pamoja na adhabu yoyote atakayopewa mtu huyo, mahakama yaweza kuamuru kuwa ile kahawa inayohusika katika kosa hilo ichukuliwe na Mamlaka.

(2) Kahawa yoyote itakayochukuliwa kwa mujibu wa fungu hili itakabidhiwa Mamlaka na itakuwa mali ya Mamlaka bila gharama zozote na Mamlaka hayatahusishwa na rehani, madeni au vizuizi vingine vyovyote, ilivyowahi kuwekwa kahawa hiyo.

Kosa kutendwa na shirika

34. Iwapo kosa lolote dhidi ya Sheria hii au dhidi ya sheria ndogo zozote zilizotungwa kwa mujibu wa Sheria hii litatendwa na shirika, basi pamoja na shirika hilo mtu yeyote ambaye, wakati lilipotendeka kosa, alikuwa ndiye mkurugenzi au ofisa aliyesimamia mambo ya shirika hilo naye pia atakuwa ametenda kosa hilo na atastahili kushtakiwa na kuadhibiwa ipasavyo, isipokuwa tu kama atathibitisha na kuitosheleza mahakama kwamba yeye hakujua, na hata kama angejitahidi vyovyote vile kutaka kujua asingewcza kujua kuwa kosa linaendeka.

- 35.** Iwapo mtu yeyote ambaye ni muwakilishi au ni mtumishi wa mtu mwingine atatenda. kosa, dhidi ya, Sheria hii au dhidi ya sheria ndogo zozote zilizotungwa. kwa mujibu wa, Sheria.hii, basi pamoja na muwakilishi au mtumishi huyo, msimamizi au muajiri naye pia. atakuwa ametenda, kosa. hilo na. atastahili kushtakiwa, na. kuadhibiwa, ipasavyo, isipoku wa tu kama atath,ib;tisha na kuitosheleza mahakama kwamba, yeye hakujua, na hata kama. angejitahidi vyovyote vile kutaka kujua. asingeweza, kujua, kuwa. kosa. linatendeka.
- Muajiri au msimamizi kuhusika na kosa
- 36.** Iwapo amri yoyote au agizo lolote lililotolewa na. Waziri, Mkurugenzi au Mamlaka, chini ya. Sheria. hii halihitaii kutanpza katika Gazeti la Serikali, basi amri hiyo au agizo, hili litafikishwa kwa watu wanaohusika au wanaoelekea kuhusika na, kanuni au agizo hilo kwa njia yoyote itakay,oteuliwa na Waziri, Mkurugenzi au, kadri itakavyokuwa, na Baraza:
- Utangazaji wa kanuni au maagizo
- Isipokuwa. kwamba, iwapo, amri hiyo au agizo hilo litatangazwa katika *Gazeti la Serikali*, itafahamika kuwa watu wote wana. taarifa. kuhusu amri hiyo au agizo hilo.
- 37.** Katika mashauri yoyo,te yanayohusu kosa dhidi ya Sheria, hii jukumu la kuthibitisha kuwa mshtakiwa hahusiki na amri, agizo au sharti ambalo kwalo kosa. analoshtakiwa, kuwa. amelitenda, limetendeka au, iwapo amri, agizo au sharti hilo, halikutangazwa katika *Gazeti la Serikali* jukumu la kutbitisha kuwa hakuwa na, taarifa ya mambo yaliyokuwamo, katika. amri, agizo au, kadri itakavyokuwa, sharti hilo litakuwa ni jukumu la mshtakiwa.
- Jukumu la kuathitisha
- 38.** Waziri, au kwa, kibali cha Waziri, Mamlaka, yaweza kumsamehe mtu yeyote au aina yoyote ya watu, au kuisamehe kahawa au aina. yoyote ya kahawa. kuhusikana na. masharti yote au masharti fulani ya. kanuni yoyote, amri, agizo au sharti lolote lililotungwa, au lililo,-wekwa. au kutolewa, kwa, mujibu wa Sheria, hii.
- Msamaha
- 39.**-(1) Waziri aweza kuweka kanuni kwa, ajifi ya. utekelezaji bora wa madhumuni na masharti ya. Sheria hii.
- Waziri kuweka kanuni
- (2) Bila ya kuathiri uwezo huo wa jumla uliotolewa na kifungu cha (1), Waziri aweza kuweka kanuni zinazohusu-
- (a) uendeshaji wa kazi za Mamlaka na za Baraza;
 - (b) Baraza kuteua kamati za Baraza ambazo mikutano yake,inaweza kuhudhuriwa na watu wasiokuwa wajumbe wa Baraza kwa kuka-ribishwa;
 - (c) kazi za Meneja Mkuu;
 - (d) masharti yatakayotumika katika kuwapatia wakulima, watengenezaji wa kahawa na watu wengine misaada au huduma zozote zilizotajwa ambazo zinahusiana na kazi za Mamlaka;
 - (c) kupiga marufuku au kudhibiti uingizaji wa kahawa nchini au upelekaji nje wa kahawa;
 - (f) udhibiti na urekebishaji wa ununuzi, uuzaji na utengenezaji wa kahawa;

- (g) usimamlaii bora, udhibiti na uongozi bora wa Mamlaka; na kuhusu masharti na kurekebisha nidhamu ya watumishi wa Mamlaka;
 - (h) kitu chochote ambacho kwa mujibu wa Sheria hii inabidi au inaruhusiwa kuwekewa kanuni, na zinazohusu jambo jingine lolote ambalo kwa maoni ya Waziri ni lazimia litajwe katika kanuni ili kuleta ufanisi katika shughuli za Mamlaka.
- (3) Kanuni zitakazotungwa kwa mujibu wa fungu hili itabidi zita-ngazwe katika *Gazeti ita Serikali*.

SEHEMU YA SABA

KUVUNJWA Kwa BARAZA LA KAHAWA NA MATOKEO YAKE

Ufafanuzi

40. Katika sehemu hii na katika Sehemu ya VIII ila iwapo maelezo yatahitajia vinginevyo, "Baraza la Kahawa" maana yake ni Baraza la Kahawa la Tanganyika lililoanzishwa na Sheria ile ya zamani ya Uchumi wa Kahawa.

Kuhaw,lisha rasilimali na dhima za Baraza la Kahawa

41. Kuanzia tarehe ya kuanza, msilimali yote na dhima zote za Baraza la Kahawa, kwa mujibu wa fungu hili na bila ya uhakikisho zaidi, zitakuwa ni za Mamlaka, na Baraza la Kahawa litakuwa limevunjwa.

Matokeo ya kuvunjwa kwa Baraza la Kahawa

42.-(1) Kila mtu ambaye mam tu kabla ya tarehe ya kuanza aliajiriwa na Baraza la Kahawa atajiriwa na. tangu tarehe hiyo Mtu huyo atafahamika kama anaajiriwa na Mamlaka.

(2) Mtu akishakuwa mtumishi wa Mamlaka kwa mujibu wa kifungu cha (1), masharti yake ya kazi akiwa mtumishi wa Mamlaka hayatakuwa magumu zaidi, ila tu iwapo Rais ataagiza vinginevyo, kuliko yale aliyopasika nayo mam tu kabla ya kuhamishiwa kwenye utumishi wa Mamlaka na itafahamika kwamba mtu huyo ameteuliwa kuwa mtumishi wa Mamlaka katika nafasi ambayo Baraza litaamua, na kwa madhumuni ya kukadiria haki yake yoyote ya kiinua mgongo au masilahi mengineyo ya uzeeni, utumishi wake katika Mamlaka utahesabiwa kama unaeadelea pamoja na utumishi wake kabla ya tarehe ya kuanza.

(3) Mtu akishakuwa mtumishi wa Mamlaka kwa mujibu wa kifungu cha (1), utumishi wake mara kabla ya tarehe ya kuanza na utumishi wake katika Mamlaka utafahamika kama ni utumishi unaoendelea chini ya muajiri mmoja kwa mujibu wa fungu la 8A la Sheria ya Kiinua Mgongo, ya mwaka 1962, na pia Sheria hiyo itatumika kwa wote wanaohusika kwa namna ile ile kama inavyotumika kwenye, hali zilizoelzwa katika kifungu cha (1) cha fungu hilo.

(4) Kila hati iliyotaiwa chini ya kifungu cha (5) na ambayo inahusika kwenye kifungu hicho, basi kwa mujibu wa kifungu hiki itaendelea kuwa na nguvu kamili na maana, na mamlaka-

- (a) yatasimama badala ya Baraza la Kahawa kuwa ni yenyo kuhusika kwenye hati hiyo-

- (b) yatakuwa na haki ya kupokea fedha yoyote na kulazimisha malipo ya fedha yoyote inayopasa kulipwa kwa mujibu wa hati hiyo;
- (c) yatakuwa na haki ya kupata na kulazimisha ipatikane mali yoyote inayohawilishiwa, inayoletwa au inayotolewa au ambayo inapasa kuhawilishiwa, kuletwa na kutolewa kwa mujibu wa hati hiyo;
- (d) yatapaswa kulipa fedha yoyote inayopasa kulipwa kwa mujibu wa hati hiyo.
- (e) yatapaswa kuhawilisha, kupeleka au kutoa mali yoyote inayopasa kuhawilishwa, kupelekwa au kutolewa kwa mujibu wa hati hiyo.
- (5) Kifungu hild kinahusika na hati (pamoja na hati za mikataba, dhamana, mapatano, idhini, rehani, matozo, hawala, drafu za benki cheki, hati za fedha na za amana-
- (a) ambazo Baraza la Kahawa linahusika nazo;
- (b) ambazo kwazo fedha yoyote italipwa au itabidi ilipwe au mali nyingine yoyote itahawilishwa, itatolewa au kugawanywa au itabidi ihawilishwe, itolewe au igawanywe na Baraza la Kahawa, ambazo zilikuwapo mnamo tarehe ya kuanza au ambazo zitaanza kuwa na nguvu baada ya tarehe hiyo.
- (6) Kila mahali katika Sheria yoyote panapotajwa Baraza la Kahawa ifahamike kuwa Mamlaka ndiyo inatajwa.

SEHEMU YA NNE

KUFUTWA KWA SHERIA YA KAHAWA YA ZAMANI NA MATOKFO YAKE

- 43.**-(1) Sheria ya Kahawa ya zamani sasa imefutwa. Kufutwa kwa sheria ya kahawa ya zamani, sura 438
- (2) Kila leseni aliyopewa mtu yeyote chini ya Sheria ya Kahawa ya zamani ili imruhusu kujishughulisha na kahawa kwa namna yoyote ile, tangu tarehe ya kuanza, itafahamika kuwa leseni hiyo imefutwa.438
- 44.** Bila ya kujali kufutwa kwa Sheria ya Kahawa ya zamani-
- (a) maagizo yote yaliyotolewa mtu yeyote chini ya sheria ya kahawa zilizotungwa na Waziri kwa mujibu wa Sheria ya Kahawa ya zamani, ambazo zitakuwa bado zinatumika mnamo tarehe kuanza zitafahamika kuwa ni maagizo yaliyotolewa na Mamlaka au kadri itakavyokuwa, kuwa ni kanuni zilizotungwa na Waziri kvVi mujibu wa Sherla hii, na zitaendelea ku-tumika mpaka zitakapofutwa kwa maagizo au kanuni zitakazotungwa kwa mujibu wa Sheria hii: Masharti ya sheria ya kahawa ya zamani yatakayo endelea kutumika
- Isipokuwa kwamba fasili hii haitayahusu maagizo yoyote au kanuni zozote zinazohusika na leseni kwa ajili ya kushughulika na kahawa au kuhusu utozaji na ukusanyaji wa ushuru,;
- (b) kila amri ya kulazimisha kuuza kahawa iliyotolewa na Baraza la Kahawa kwa mujibu wa Sheria ya Kahawa ya zamani ambayo itakuwa bado Inatumika mnamo tarehe ya kuanza itafahamika kuwa ni amri iliyotolewa na Namlaka kwa mujibu wa Sheria hii hadi hapo itakapofutwa au kubadilishwa kwa,amri, itakayotolewa kwa mujibu wa Sheria hii.

Masharti
ya muda

45.-(1) Bila ya kujali sharti lolote la kinyume katika Sheria hii, Waziri, kwa mapendekezo ya Baraza na baada ya kutosheka kuwa ziko sababu maalum ambazo kwa haki inabidi afanye hivyo, aweza kumruhusu mtu yeyote aliyepewa leseni kwa Mujibu wa Sheria ya Kahawa ya zamani ashughulike na kahawa, aendelee na shughuli zake baada ya tarehe ya kuanza. kwa masharti atakayoyaweka Wazin:

Isipokuwa kwamba uwezo aliopewa Waziri na fungu hili hautatumika baada ya kupita muda wa miezi sita tangu tarehe ya kuanza.

(2) Wakati wowote kabla ya miezi kumi na mbili kupita tangu tarehe ya kuanza, Waziri aweza, kwa kutangaza amri katika *Gazeti la Serikali*, kuweka masharti yoyote ya muda, au ya nyongeza atakayo-yaona ni ya lazima yafuatie kufutwa kwa Sheria ya Uchumi wa Kahawa ya zamani au kwa kuyawezesha Mamlaka kuchuku. a msilmali na dhima za Baraza la Kahawa kwa urahisi zaidi.

NYONGEZA

(Fungu la 5 (2))

Muundo wa
Baraza

1.-(I) Baraza litakuwa na wajumbe wafuatao-

(a) Mwenyekiti, ambaye atateuliwa na Rais;

(b) Meneja Mkuu;

(c) waiumbe wengineo wasiopungua kumi na wasiozidi kumi na mbili watakaoteuliwa na Waziri.

(2) Wajumbe watakaoteuliwa kwa mujibu wa fasili ya (c) watakuwa ni watu ambao Waziri anawaona kuwa wanao ujuzi katika uzalishaji na uuzaji wa kahawa au mazao yatokanayo na kahawa, wenye ujuzi katika mambo ya fedha, uongozi au katika mambo yanayohusu mipango ya uchumi au maendeleo.

(3) Baraza laweza kumchagua mjumbe yeyote wa Baraza au mtumishi yeyote wa Mamlaka kuwa Katibu wa Baraza.

Makamu
wa
Mwenyekiti

2. Wajumbe wa Baraza watamchagua mmoja wao awe Makamu wa Mwenyekiti wa Baraza, na miumbe yeyote atakayechaguliwa kuwa Makamu wa Mwenyekiti, iwapo ataendelea kuwa miumbe, atashika cheo, hicho kwa muda wa mwaka mmoja tokea tarehe ya kuchaguliwa kwake, na atakuwa na haki ya kuchaguliwa tena.

Muda wa
kuwa
mjumbe

3.-(1) Mjumbe wa Baraza, isipokuwa Meneja Mkuu, kama hataondolewa mapema na yule mwenye madaraka ya kuteua, au kama hataacha kuwa mjumbe kwa njia nyingine yoyote ile, atakuwa miumbe kwa muda uliotaiwa na mwenye madaraka ya kuteua katika hati ya uteuzi wake na, kama hakuna muda uliotajwa, basi atakuwa mjumbe kwa muda wa miaka mitatu tangu tarehe ya kuteuliwa kwake, na atakuwa na haki ya kuteuliwa tena.

(2) Mjumbe yeyote wa Baraza, isipokuwa Meneja Mkuu, aweza kujiuzulu wakati wowote kwa kumpelekea taarifa ya maandishi mwenye madaraka ya kuteua, na tokea tarehe iliyotajwa katika taarifa hiyo au, kama haikutajwa, tokea tarehe ya kupokelewa taarifa hiyo na mwenye madaraka ya kuteua, ataacha kuwa miumbe.

Uteuzi wa
mjumbe
wa muda

4. Iwapo mjumbe yeyote wa Baraza, isipokuwa Meneja Mkuu, kwa sababu ya kutokuwapo katika Jamhuri ya Muungano au kwa sababu ya ugonjwa au kwa sababu nyingine yeyote yenye maana hataweza kufanya kazi zake za ujumbe wa Baraza, -basi mwenye madaraka ya kuteua aweza kumteua mjumbe wa muda ashike mahali pake. na mjumbe huyo wa muda atakuwa mjumbe mpaka yule mjumbe wa kudumu atakapo reja kazini au mpaka muda wa mjumbe wa kudumu utakapomalizika.

5.-(1) Baraza, kwa kawaida, litakutana mnamo saa na mahali patakapochaguliwa na Baraza kwa ajili ya kujadili shughuli zao na, lakini kwa yeyote vile, litakutana ya walau mara moja kwa kila miezi mitatu.

Mikutano
ya Baraza

(2) Mwenyekiti, au akiwa hayupo Makamu wa Mwenyekiti, aweza kuitisha mkutano maalum wa Baraza wakati wowote, na ataweza kuitisha mkutano maalum kwa ombi la maandishi kutoka kwa wajumbe walio wengi wa Baraza.

(3) Mwenyekiti, au akiwa hayupo Makamu wa Mwenyekiti, ataongoza kila mkutano wa Baraza. Iwapo Mwenyekiti na Makamu wa Mwenyekiti wote wawili hawapo, basi wajumbe waliohudhuria watamchagua mmoja wao aongoze mkutano huo.

6. Kiwango cha mkutano wa Baraza kitakuwa watu saba.

Kiwangi
cha
Mkutano

7.-(1) Mambo yanayojadiliwa kwenye mkutano wa Baraza yataamuliwa kwa kura zilizo nyingi za wajumbe waliohudhuria na wanaopiga kura, na itokeapo usawa wa kura, basi mtu anaongoza mkutano huo atapiga kura ya pili au ya uamuzi.

Uamuzi wa
Baraza

(2) Bila ya kujali kifasili cha (1), Baraza laweza kutoa uamuzi bila ya kuitisha mkutano kwa kuwapelekea wajumbe wa Baraza karatasi zinazohusika na kupata maoni ya walio wengi kwa maandishi, lakini mjumbe yeyote aweza kutaka uamuzi uahirishwe najambo bilo lifikiwiwe kwenye mkutano wa Baraza.

8. Baraza litaangalia kuwa kumbukumbu za mikutano yake yote zinaandikwa au kuwekwa, na kumbukumbu ya kila mkutano wa Baraza zitathibitishwa na Baraza kwenye mkutano utakaofuata na kutiwa sahihi na mwenyekiti wa mkutano huo.

Kumbu-
kumbu za
mikutano
nafasi wazi,
n.k hazita-
athiri
shughuli za
Baraza
Kuthibitisha
mikataba
n.k

9. Nafasi iliyoko wazi miongoni mwa nafasi za wajumbe na hata hitilafu yoyote katika uteuzi wa mjumbe yeyote kati yao haitaathiri kitendo chochote au mijadala yoyote ya Baraza.

10.-(1) Sahihi za watu wawili ndizo zitakazothibitisha muhuri rasmi wa Mamlaka, nazo ni-

(a) sahihi ya Mwenyekiti wa Baraza au ya mjumbe mwingine yeyote wa Baraza, isipokuwa Meneja Mkuu, aliyeidhinishwa na Baraza kutia sahihi; na

(b) sahihi ya Meneja Mkuu au ya mtumishi yeyote wa Mamlaka mwingine aliyeidhinishwa na Baraza kutia sahihi badala ya Meneja Mkuu.

(2) Kila hati inayotiwa sahihi na mtu binafsi au mkataba unaoingiwa na mtu binafsi ambaye si shirika la kisheria, hautahitaji kupigwa muhuri rasmi wa Mamlaka, lakini utaweza kutiwa sahihi na Meneja Mkuu au miumbe mwingine yeyote wa Baraza kwa niaba ya Mamlaka, iwapo mjumbe huyo alikwishaidhinishwa na Baraza, kwa jumla aa katika hali maalum, kuitia sahihi hati hiyo au kuingia katika mkataba huo kutokana na uamuzi wa Baraza.

(3) Kila hati inayohesabiwa kuwa ni hati iliyotiwa sahihi au iliyotolewa na Mamlaka au kwa niaba ya Mamlaka na-

(a) iliyopigwa muhuri rasmi wa Mamlaka wenye kuthibitishwa kwa jinsi iliyoelezwa kwenye kifasili cha (1); au

(b) iliyotiwa sahihi na Meneja Mkuu au mjumbe wa Baraza aliyeidhinishwa kutia sahihi kwa mujibu wa kifasili cha (2), basi hati hiyo itahesabiwa kuwa imetiwa sahihi na kutolewa karna hivyo mpaka ithibitike kinyurne cha hivyo.

11. Bila kuathiri masharti mengineyo yaliyomo katika Nyongeza hii, Baraza linaweza kuweka na kufuata utaratibu wake wa kuendesha shughuli zake.

Uwezo wa
Bazara wa
kuendesha
shughuli
zake

Imepitishwa katika Bunge tarehe ishirini na saba prili, 1977.

Katibu wa Bunge