

TANGANYIKA



No. 20 OF 1962

I ASSENT,

R. J. M. M. M.
Governor-General

11TH JULY, 1962

An Act to establish the Tanganyika Development Corporation

I.

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Tanganyika Development Corporation Act, 1962, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires —
"Corporation" means the Tanganyika Development Corporation established by section 3;

Interpreta-
tion

"financial year of the Corporation" means a year commencing on the first day of July and ending on the next following thirtieth day of June:

Provided that the first financial year of the Corporation shall commence on the date of coming into operation of this Act and end on the thirtieth day of June, 1964;

"local authority" means a city or municipal council, a town council, a district council, a township authority or a native authority;

"member" means a member of the Corporation and includes the Chairman and Deputy Chairman;

"Minister" means the Minister for the time being responsible for industrial matters in Tanganyika;

"Reserve Fund" means the Fund established under section 8;

"undertaking" includes any undertaking carrying on business in the field of commerce, industry, mining or agriculture.

3.-(1) There is hereby established a Corporation which shall —

Established
ment of
corporation

- (a) be a body corporate to be known as the Tanganyika Development Corporation, with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued; and
- (c) subject to the provisions of this Act, be capable of holding, purchasing and otherwise acquiring and of alienating any moveable or immoveable property for the purposes or in the course of its business.

(2) The provisions of the Schedule hereto shall have effect as to the Constitution and proceedings of, and otherwise in relation to, the Corporation.

Business
of the
Corporation

4. (1) The business of the Corporation shall be to facilitate the industrial and economic development of Tanganyika and, in particular, and without prejudice to the generality, of the foregoing, to promote, finance, develop and manage and assist in the promotion, financing, development and management of-

- (a) new or existing undertakings;
- (b) schemes for the better organization and modernization of and the more efficient carrying out of any undertaking; and
- (c) the conduct of research into the industrial and economic potentialities of Tanganyika.

(2) In carrying on its business the Corporation shall have regard to the economic and commercial merits of any undertaking it promotes, finances, develops, manages or assists and the economic position and potentialities of Tanganyika as a whole.

(3) The Corporation shall have power, for the purposes of its business, to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with its business, and may carry on any activities in that behalf either alone or in association with any other person or body (including the Government and any local authority) or as managing agents or otherwise on behalf of such other person or body.

(4) For the avoidance of doubt, it is hereby declared that the provisions of subsection (3) with respect to, the powers of the Corporation relate only to its capacity as a body corporate, and nothing in that subsection shall authorize the disregard by the Corporation of any enactment or rule of law.

Power of
the Minister

5. (1) The Minister may give directions in writing to the Corporation as to any matter relating to the conduct of its business or the exercise of its powers or functions, and the Corporation shall give effect to every such direction.

(2) The Corporation shall, as soon as possible after the end of each financial year of the Corporation, make a full report to the Minister on the conduct of its business during the year, and the Minister shall lay a copy thereof before the National Assembly.

(3) A report made under subsection (2) shall set out every direction given by the Minister under this section during the year to which the report relates.

(4) The Corporation shall furnish to the Minister such information and returns relating to the property or activities or proposed activities of the Corporation or of any other person or body by whom activities are carried on with its assistance or in association with it (being information which is in the possession of the Corporation or can be obtained by it with reasonable facility or being returns giving such information) as the Minister may from time to time require, and shall afford to the Minister facilities for the verification of information furnished by the Corporation in such manner and at such times as he may require.

Funds
provided by
Parliament
or raised by
the Govern-
ment

6. (I) Where any moneys are paid to the Corporation as part of its funds out of moneys provided by Parliament for the purpose, the Minister may, with the concurrence of the Minister for the time being responsible for finance, require the Corporation to pay interest thereon

to the Government and, where the Minister so requires, the Corporation shall pay interest thereon at such times and at such rates as the Minister may, with the concurrence of the Minister for the time being responsible for finance, determine at the time when such moneys are paid to the Corporation:

Provided that the Minister may, with the concurrence of the Minister for the time being responsible for finance, waive the payment of interest under this subsection for any period which he thinks fit.

(2) The Government may, with the approval signified by resolution of the National Assembly, raise moneys, either within or outside Tanganyika, specifically for the purposes of the Corporation, and all moneys so raised shall be charged on and issued out of the Consolidated Fund, and when paid to the Corporation shall form part of its funds.

(3) The Minister, with the concurrence of the Minister for the time being responsible for finance, shall determine the manner and time of repayment of any moneys paid to the Corporation which have been raised by the Government under subsection (2), and the times and rate at which interest shall be paid thereon, and the Corporation shall make repayment and pay interest in accordance therewith:

Provided that the Minister shall not determine a rate of interest lower than that at which such moneys were raised by the Government.

(4) All sums received from the Corporation under this section shall be paid into the Consolidated Fund.

7.-(1) The Corporation may, with the approval of the Minister, which shall be given with the concurrence of the Minister for the time being responsible for finance, and subject to such conditions as he with such concurrence may determine, borrow sums required by it for meeting any of its obligations or for the purposes of its business:

Borrowing
power of
Corporation

Provided that the Corporation shall not borrow under this subsection so as to have outstanding at any time an aggregate amount exceeding five million pounds or such other sum as may from time to time be approved by resolution of the National Assembly.

(2) The powers of the Minister under this section shall extend to the amount (within the maximum specified in the proviso to subsection (1)), the nature and sources of the borrowing and the terms and conditions on which the borrowing may be effected, and the Minister's approval may be either general or limited to a particular borrowing.

(3) The Government may guarantee, in such manner and on such conditions as it may think fit, the repayment of the principal of, and the payment of interest and other charges on, any borrowings of the Corporation under and in accordance with this section, and any sums required for the fulfilling of any such guarantee shall be charged on and issued out of the Consolidated Fund.

(4) A person lending money to the Corporation shall not be bound to inquire whether the borrowing of that money is within the power of the Corporation.

Reserve
Fund

8.-(1) The Corporation shall establish and maintain a Reserve Fund and shall pay into such Fund such part of the net profit earned by the Corporation in any financial year of the Corporation as the Minister may direct.

(2) The Reserve Fund shall be applied by the Corporation in making good any loss or deficiency which may occur in the course of the business of the Corporation.

Investment

9. (1) The Corporation may, with the approval of the Minister and subject to such conditions as he may determine, invest such part of its funds as are not required for the purposes of its business, and the moneys comprising the Reserve Fund and any provident fund established by the Corporation.

(2) The powers of the Minister under this section shall extend to the amount which may be invested, the nature of the investment and the terms and conditions thereof, and the Minister's approval may be either general or limited to a particular investment.

Accounts
and audit

10.-(1) The Corporation shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year of the Corporation a statement of accounts in such form as the Minister may direct, being a form which conforms with the best commercial standards.

(2) The form of the accounts and of the statement shall be such as to secure the provision of separate information as respects each of the main activities of the Corporation.

(3) Subject to any resolution of the National Assembly under section 28 of the Exchequer and Audit Ordinance, 1961, the accounts of the Corporation shall be audited by auditors to be appointed annually by the Minister.

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(4) As soon as the accounts of the Corporation for any financial year thereof have been audited, it shall send a copy of the statement of accounts prepared in respect of that year to the Minister together with a copy of any report made by the auditors on the statement or on the accounts.

(5) The Minister shall, within a period of six months (or such longer period as the National Assembly may by resolution appoint) after the end of the financial year of the Corporation to which the accounts relate, lay a copy of every such statement and report before the National Assembly.

Power to
contract
and
execute
deeds, etc.

11. (1) All deeds, instruments, contracts and other documents (including bills of exchange and promissory notes) shall be deemed to be duly executed by or on behalf of the Corporation-

(a) if sealed with the common seal of the Corporation and signed by two members of the Corporation; or

(b) if executed in that behalf by the General Manager or Chief Accountant or any member of the staff of the Corporation acting in either of those offices and by one other member of the staff of the Corporation authorized in that behalf by the Board.

(2) A deed, instrument, contract or other document executed in accordance with this section shall, subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the Corporation, be effectual in law and shall bind the Corporation and its successors and all other parties thereto.

(3) A deed, instrument, contract or other document made in accordance with this section may be varied or discharged in the like manner in which it is by this section authorized to be executed.

12. The Minister may make regulations for the better carrying into effect of the purposes of this Act, for fees, and for prescribing anything which is to be or may be prescribed.

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SCHEDULE
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(Section 3 (2))

A-Tim CORPORATION

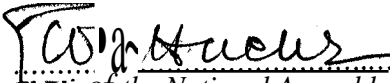
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| <p>1.-(1) The Corporation shall consist of a Chairman, a Deputy Chairman and such number of other members, being not less than two and not more than ten, as the Minister may from time to time determine.</p> <p>(2) The Chairman, the Deputy Chairman and the other members of the Corporation shall be appointed by the Minister.</p> <p>(3) A member of the Corporation shall, unless his appointment is sooner terminated by the Minister or he otherwise ceases to be a member, hold office for such period as the Minister may specify in 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.</p> <p>(4) Any member of the Corporation may at any time retire by giving notice in writing to the Minister and from the date specified in the notice, or no date is so specified, from the date of receipt of the notice by the Minister, he shall cease to be a member of the Corporation.</p> | <p>Constitution of corporation</p> |
| <p>2.-(1) No person shall be appointed a member of the Corporation-</p> <p>(a) if he is an undischarged bankrupt or has assigned his estate for the benefit of his creditors or has made an arrangement with his creditors;</p> <p>(b) if he is of unsound mind; or</p> <p>(c) if he has been convicted of an offence involving or necessarily implying fraud or dishonesty and has suffered a substantive sentence of imprisonment therefor.</p> <p>(2) A member of the Corporation shall become disqualified to retain and shall ipso facto cease to hold his office as such member if he shall become subject to any of the disabilities set out in sub-paragraph (1) or if he be absent without the permission of the Corporation from four consecutive <i>meetings thereof</i>.</p> | <p>Disqualification</p> |
| <p>3.-(1) Where any member of the Corporation ceases to be a member before the normal expiration of his term of office, the Minister may appoint another person in his place to hold office until such first-named person's term of office would have expired had he not so ceased to be a member.</p> <p>(2) <i>Where any member of the Corporation is unable to attend the meetings or take part in the business of the Corporation for any temporary period, the Minister may appoint an alternate, and such alternate shall, unless his appointment is previously terminated, hold office until the member for whom he is appointed is able once more to perform his functions as such or ceases to be a member, as the case may be, and during such period the alternate shall have all the powers and duties of the member for whom he is appointed.</i></p> | <p>Casual vacancies and alternates</p> |
| <p>4.-(1) The Corporation shall <i>meet at least four times</i> in every year and each meeting shall be held within four months of the last <i>meeting</i>.</p> <p>(2) At any meeting not less than one half of the members of the Corporation shall form a quorum.</p> <p>(3) At any <i>meeting of the Corporation</i> the Chairman or, in his absence, the Deputy Chairman, shall preside.</p> | <p>Meetings</p> |

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| | <p>In the absence of both the Chairman and the Deputy Chairman, the members present at the meeting shall choose one of their number to be chairman for that meeting.</p> <p>(4) In the event of an equality of votes on any matter, the chairman of the meeting shall, in addition to his deliberative vote, have a casting vote.</p> |
| Vacancies, etc., not to invalidate proceedings | <p>5.-(1) Subject to the provisions of paragraph 4 relating to the Corporation may act notwithstanding any vacancy in the membership thereof.</p> <p>(2) No act or other proceeding of the Corporation shall be invalid by reason only that there is some defect in the appointment of a person purporting to be a member of the Corporation.</p> |
| Conduct of business | <p>6. Subject to the provisions of this Schedule and to any directions of the Minister, the Corporation may-</p> <p>(a) conduct its business at meetings of the Corporation or by circulation of papers;</p> <p>(b) delegate the conduct of any business of the Corporation to any member thereof -or of the staff of the Corporation:</p> <p>Provided that-</p> <p>(i) any decision of the Corporation shall, if taken at any meeting, require the concurrence of the majority of members present at that meeting, and, if taken on a circulation of papers, require the concurrence of the majority of members of the Corporation; and</p> <p>(ii) where any business is conducted by circulation of papers, the Corporation may require any such business to be any member of the Corporation.</p> |
| Corporation such | <p>7.--(1) Every member of the Corporation shall be paid out of the funds of the Corporation such remuneration as the Minister may from time to time determine.</p> <p>(2) The Corporation may pay out of the funds thereof the reasonable travelling expenses incurred by a member of the Corporation when engaged on the business of the Corporation at a place not less than five miles from his normal residence.</p> |
| Minutes | <p>8.-(1) Minutes of the proceedings of every meeting of the Corporation shall be regularly entered in a book kept for the purpose and the book shall be kept so as to show adequate details of the business conducted at each meeting. The minutes of the proceedings of each meeting shall be submitted at the same or the next ensuing meeting and, if then passed as correct, shall be confirmed by the signature of the Person presiding thereat.</p> <p>(2) When confirmed as aforesaid the minutes shall be <i>prima facie</i> evidence in any court or inquiry that the proceedings as therein recorded were the proceedings of such meeting.</p> |
| Corporation may regulate its procedure | <p>9. Subject to the provisions of this Schedule and to any directions given by the Minister, the Corporation may regulate its own procedure for the conduct of its business.</p> |
| General Manager and Chief Accountant | <p style="text-align: center;">B-STAFF</p> <p>10.-(1) Subject to sub-paragraph (2), the Corporation shall appoint a General Manager and a Chief Accountant of the Corporation.</p> <p>(2) The appointment of the General Manager and the Chief Accountant and their terms and conditions of service shall be approved by the Minister.</p> <p>(3) The General Manager shall be the chief executive officer of the Corporation and shall have the right to be present and to speak (but not to vote) at meetings of the Corporation.</p> <p>(4) In the absence or inability to perform his functions of the General Manager or the Chief Accountant, the Corporation shall appoint a member of the staff of the Corporation to act in his place.</p> |
| Other staff | <p>11. The Corporation may, from time to time, appoint on such terms and conditions as it thinks fit, such officers, clerks and servants as may be necessary for conducting its business.</p> |
| Provident Fund | <p>12.-(1) The Corporation may establish, control, manage, maintain and contribute to a provident fund for the benefit of members of the staff of the Corporation, and may grant gratuities in accordance with the rules governing such fund to such members upon their retirement from the service of the Corporation and to their dependants on the -death of any such member.</p> <p>(2) In cases where no benefit or, in the opinion of the Corporation, insufficient benefit, accrues from the fund established, the Corporation may, in its discretion, grant from the funds thereof gratuities or additional gratuities, as the case may be, to members of the staff of the Corporation or their dependants in the circumstances mentioned in sub-paragraph (1).</p> |

13. Where, prior to the date of coming into operation of this Act, the Minister has nominated any person to the staff of the Corporation, such person shall, with effect from such date, be deemed to have been appointed by the Corporation as a member of its staff on the same terms and conditions as those specified by the Minister at the time of making such nomination.

Minister
may
nominate
person to
staff of
corporation

Passed in the National Assembly on the fifth day of June, 1962.


Clerk of the National Assembly