

THE TANZANIA TRADE DEVELOPMENT AUTHORITY
ACT, 2009

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY PROVISIONS

<i>Section</i>	<i>Title</i>
1.	Short title and commencement.
2.	Application.
3.	Interpretation.

PART II
THE TANZANIA TRADE DEVELOPMENT AUTHORITY

4. Establishment of the Authority.
5. Functions of the Authority.
6. Board of Directors.
7. Powers and duties of the Board of Directors.
8. Appointment and functions of the Director General.
9. Other officers and employees.
10. Committees and sub-committees.
11. Directorates, sections and units

PART III
FINANCIAL PROVISIONS

12. Source of funds.
13. Loans.

14. Estimates of income and expenditure.
15. Accounts and audit.
16. Annual report.
17. Annual accounts and the report to be laid before the National Assembly.
18. Performance audit.
19. Superannuation benefits.
20. Assets and liabilities.

PART IV
GENERAL PROVISIONS

21. Minister may give directions to the Board of Directors.
22. Non-disclosure of information offered.
23. Powers of the Authority to request for information, document or giving evidence.
24. General offences.
25. Powers of the Minister to make Regulations.
26. Protection from personal liability.
27. Remuneration of members of the Board of Directors.
28. Minister may vary the schedule.
29. Notification of orders, etc.
20. Repeal and savings.

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SCHEDULE
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THE UNITED REPUBLIC OF TANZANIA



NO. 4 OF 2009

I ASSENT,

Jassayoo Mwakimuli

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President

12 March 2009

An Act to provide for the formulation, development, promotion, supervision of external and internal trade and implementation of Trade Development Policies and Strategies, to establish the Tanzania Trade Development Authority and to provide better provisions for the functions and powers of the Authority, and to repeal the Board of Internal Trade Act, Cap.103 and the Board of External Trade Act, Cap.155 and for other related matters.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Tanzania Trade Development Authority Act, 2008 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

2. This Act shall apply to Tanzania Mainland as well as to Tanzania Zanzibar, except for matters related to internal trade.

Application

3. In this Act, unless the context otherwise requires-
 "Authority: means the Tanzania Trade Development Authority established pursuant to section 4;

Interpretation

“Board” means the Board of Directors established by section 6;

“Chairman” means the Chairman of the Board of Directors appointed pursuant to paragraph 1(a) of the Schedule to this Act;

“Director General” means the Director General appointed under section 8;

“member” in relation to the Board of Directors, means a member of the Board of Directors and includes the Chairman and the Vice-Chairman;

“Minister” means the Minister responsible for trade; and

“local government authority” has the meaning ascribed to it under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act.

Caps. 287
and 288

PART II

THE TANZANIA TRADE DEVELOPMENT AUTHORITY

Establishment of the Authority

4.—(1) There is established the Tanzania Trade Development Authority also to be known by acronym " TanTrade".

(2) The Authority shall be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Authority may, for the purpose of performance of its functions, take, purchase, acquire, charge, hold and dispose of movable and immovable property and enter into contracts or other transactions which may lawfully be done or performed by a body corporate.

Functions of the Authority

5.—(1) The functions of the Authority shall be to -

- (a) advise the Government on matters relating to the formulation, development, supervision and implementation of trade policies and strategies;
- (b) integrate the domestic market development;
- (c) collaborate with other institutions in organizing production of products and offering of services;
- (d) foster better market access conditions for Tanzanian products and services at domestic, regional and international markets;
- (e) identify and advise on ways of overcoming bottlenecks in value chain pertaining to trade development;

- (f) offer appropriate advisory services and training to the business community on the management of domestic and foreign trade operations;
- (g) inculcate and promote the export culture into the large section of small, medium and large enterprises through various means;
- (h) establish and maintain trade database;
- (i) encourage private sector to invest and develop expertise in establishing and managing warehousing facilities;
- (j) co-operate with the investment facilitating institutions in ensuring that investments are directed towards value addition;
- (k) promote or facilitate establishment of facilities and infrastructure for holding trade fairs countrywide;
- (l) establish and maintain trade centres within and outside the country;
- (m) organize trade fair and exhibitions, buyer seller meetings, contact promotion programmes, market research, supply surveys, product development and product adaptation within the country;
- (n) promote the documentation and dissemination of information on any aspect connected with trade development carried out by the Authority or any other person or institution and may for this purpose publish newspapers, journals, periodicals, bulletins and operate radio and television programmes or perform any other activity designed to promote trade into any matter which is necessary or desirable for the efficient trade development and implementation of trade related Policies and Strategies;
- (o) advise and assist the Government and any other institution in the selection and employment of local and foreign trade related consultants and advisors on matters related to trade development;
- (p) evaluate and monitor trade system and its performance; and
- (q) conduct market research, survey and monitoring.

(2) Without prejudice to the generality of subsection (1) and subject to any general or specific directions given by the Minister, the Authority may-

- (a) give advice to the Government, any person, organization or institution on measures necessary for the development of an efficient system for the conduct of trade, including -
 - (i) measures for the efficient co-ordination and supervision of a licensing system for trade;
 - (ii) the formulation and implementation of national policies in relation to domestic consumption and export of products and services from Tanzania;
 - (iii) the formulation and supervision of the implementation of best marketing practices in respect of products and services intended for trade;
- (b) collaborate with any other person, organization or institution within or outside Tanzania in the establishment, equipment and management of trade centres for the collection and dissemination of data and other information relating to the products and services intended for trade development;
- (c) undertake the planning, co-ordination, organization, and management of international trade fairs, exhibitions, expositions and missions;
- (d) collect, process, store and disseminate information and data relating to trade;
- (e) authorize any person, organisation or institution wishing to undertake within and outside Tanzania any international trade fair or exhibition and to facilitate, assist and, where necessary, provide consultancy and technical advisory services to such person, organisation or institution;
- (f) in collaboration with other organizations or institutions, advise the Government on the simplification of documentation and expedition of procedures in relation to trade development; and
- (g) assist businesses in Tanzania to develop and expand profitably in the international trade transactions of products and services.

(2) The provisions of the Schedule to this Act shall have effect as to the composition, appointment, termination of members, proceedings and other matters relating to the Board of Directors.

7.-(1) Subject to the provisions of this Act, the management and control of the Authority shall vest in the Board of Directors.

Powers
and duties
of the
Board of
Directors

(2) Without prejudice to the generality of subsection (1), the Board of Directors shall have powers to -

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

8.-(1) The President shall appoint a Director General who shall be the chief executive of the Authority.

Appoint-
ment and
functions
of the
Director
General

(2) The Director General shall be the Secretary to the Board of Directors.

9. The Board of Directors may appoint on such terms and conditions and upon such salaries as it may find appropriate, such officers and employees for the proper and efficient conduct of the operations and activities of the Authority.

Other
officers
and
employee

Committees
and sub-
committees

10.-(1) The Board of Directors may appoint committees and sub-committees it considers necessary consisting of its members, co-opted members or both—

- (a) to perform any function of the Board of Directors assigned to the Committee or sub-committee; and
- (b) to advise the Board of Directors on a matter referred to the committee or sub-committee.

(2) The provisions of the Schedule to this Act (other than the provisions which relate to the composition of the Board of Directors) shall apply, *mutatis mutandis* in relation to the committees and sub-committees appointed under this section.

(3) The Board of Directors may at any time revoke a delegation and no delegation made under this section shall preclude the Board of Directors from exercising the functions or powers so delegated.

(4) The Board of Directors shall not delegate—

- (a) powers of delegation;
- (b) powers to approve the annual estimates of income and expenditure or any supplementary estimates of income and expenditure and audited accounts; and
- (c) appointment and termination of employees of or above the level of a director.

(5) Notwithstanding subsection (2), the Board of Directors may, by directions in writing, in relation to any committee or sub-committee, disapply all or any of the provisions of the Schedule to this Act or modify the same in such manner as may be specified in such direction.

Directorates,
sections
and units

11. The Board of Directors shall establish such number of directorates, sections and units as may be necessary and proper for the performance of the functions of the Authority.

PART III FINANCIAL PROVISIONS

Source of
funds of
the
Authority

12. The sources of funds of the Authority shall include—

- (a) money appropriated by Parliament;
- (b) such sums as may, in any other manner, become payable to funds or assets which may vest in or accrued to the Authority from other sources;
- (c) grants, donations or bequests;
- (d) loans; and
- (e) any other lawful source of income.

13. The Board of Directors may, with the prior approval of the Minister responsible for finance, borrow for the purpose of the Authority by way of loan, overdraft or otherwise such sums of moneys as may be required to meet current obligation or performance of its functions under this Act or any other relevant law.

Loans

14.-(1) In this Act "financial year" means the financial year of the Government.

Estimates
of income
and
expenditure

(2) The Director General shall, not less than two months before the end of each financial year, prepare and submit to the Board of Directors estimates of income and expenditure of the Authority for the ensuing financial year for its approval and may, at any time before the end of each financial year, prepare and submit to the Board of Directors a revised estimates of income and expenditure of the current year for its approval.

(3) No expenditure shall be made out of the funds of the Authority unless that expenditure is part of the expenditure approved by the Board of Directors under the estimates for the financial year in which that expenditure is to be made or in supplementary estimates to that year's estimates.

15.-(1) The Authority shall keep books of accounts and maintain proper records in relation to them and in the form approved by the Controller and Auditor General.

Accounts
and audit

(2) Within six months of the close of each financial year, the Board of Directors shall cause the accounts including the balance sheet of the Authority to be audited by the Controller and Auditor General.

(3) As soon as the accounts of the Authority have been audited, and in any case, not later than six months after such audit, the Board of Directors shall submit to the Minister a copy of the audited accounts together with a copy of the report made by the Controller and Auditor General.

Annual
report

16.-(1) The Board of Directors shall, within six months after the close of the financial year, cause to be prepared and submitted to the Minister, a report dealing generally with activities and operations of the Authority during that year and accompanied by—

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

Annual
accounts
and the
report to
be laid
before the
National
Assembly

17. The Minister shall, as soon as may be practicable after receiving them, lay before the National Assembly the audited accounts of the Authority together with the controller and Auditor General report, if any, on the accounts and the annual report of the Authority.

Perfor-
mance
audit
Act No.7
of 2008

18. The Controller and Auditor General shall conduct an audit on the performance of the Authority of its functions which shall include performance relating to key performance indicators as provided under the Public Audit Act.

Superannu-
ation
benefits

19. Subject to the laws governing the public service and pensions, the Board of Directors—

- (a) may upon approval of the Minister grant other retirement allowances or benefits to the employees of the Authority;
- (b) shall contribute to a superannuation fund or a medical insurance fund for the employees of the Authority; and
- (c) require any employee of the Authority, to contribute to the superannuation fund or medical insurance fund and methods of payment of the contribution.

20. Subject to any directions of the Minister, the assets and liabilities of the Tanzania Trade Development Authority shall, by virtue of this Act and without further assurance, vest in the Authority.

Assets
and
liabilities

PART IV

GENERAL PROVISIONS

21. The Minister may give to the Board of Directors directions in writing of a general or specific character regarding the performance of the Authority of any of the functions and the exercise of its powers under this Act, and the Board of Directors shall give effect to every direction given.

Minister
may give
directions
to the
Board of
Directors

22.-(1) Save where the Minister directs otherwise, information relating to trade furnished or made available to the Authority pursuant to section 23 shall be treated as confidential.

Non-
disclosure
of
information
offered

(2) Subsection (1) shall not apply to the disclosure of information made for the purposes of any legal proceedings instituted under this Act or for the purposes of a report relating to those proceedings.

(3) Subject to subsections (2), where, in the performance of its functions, the Authority discloses to any person, institution or organization any information furnished to it pursuant to subsection (2) of section 23, then reference to the Authority in that subsection shall be deemed as if it were reference to the person, institution or organization to whom the Authority discloses that information.

(4) A person who contravenes the provisions of this section, commits an offence and shall be liable on conviction to an imprisonment for a term of twelve months or to a fine of not less than ten million shillings and not exceeding twenty million shillings.

23.-(1) Subject to the provisions of this section and any other written law, the Authority may consult any person, organization or institution with regard to any matter deemed necessary by the Authority in order to enable it to properly perform its functions or the exercise of its powers.

Powers of
the
Authority
to request
for
informa-
tion,
document
or giving
evidence

(2) Where the Authority has reason to believe that, a person, institution or organization is capable of supplying information, producing a document or giving evidence that may assist in the performance of any of its

functions, it may, by writing signed by the Chairman of the Board of Directors or the Director General, serve on that person, institution or organization require that person to supply information, produce a document or give evidence to the Authority.

(3) The information, document or evidence furnished or given to the Authority pursuant to the provisions of this section shall be kept for purposes of record, and may be used or otherwise dealt with or disposed of in such manner and for such purposes as the Authority may, subject to any direction by the Minister, approve or direct.

(4) A person commits an offence who without excuse fails to comply with any request made pursuant to the provisions of subsection (2) and upon conviction shall be liable to a fine of not less than ten million shillings and not exceeding twenty million shillings.

General
offences

24. Any person who contravenes the provisions of this Act where no specific penalty has been provided shall, on conviction, be liable to a fine of not less than one million shillings.

Powers of
the
Minister
to make
Regulations

25.-(1) Subject to jointly consultation with the Minister responsible for Trade in the Revolutionary Government of Zanzibar the Minister may, after further consultation with the Board of Directors, make regulations necessary to give effect to the purposes and provisions of this Act.

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

- (a) requiring any person body or bodies of persons, institution or organisation specified in the regulations, engaged or connected with external trade operations to furnish to the Authority, with information relating to any aspect of external trade;
- (b) prescribing the form, manner and period within which any information required to be furnished or made available to the Authority; and
- (c) prescribing any other thing which under this Act is required or permitted to be prescribed.

(3) The Minister responsible for local government authorities in consultation with the Minister may make by-laws for implementation of this Act.

(4) Regulations made under this section shall be published in the *Gazette*.

26. No act or thing done or omitted to be done by a member of the Board of Directors or by an officer or employee of the Authority shall, if done or omitted to be done *bona fide* in the execution or purported execution of his duties as a member of the Board of Directors or an officer or employee of the Authority, subject him to any action liability or demand of any kind.

Protection
from
personal
liability

27. Members of the Board of Directors shall be paid from the funds of the Authority such fees or allowances at such rates as the Minister may, upon the recommendation of the Board of Directors, prescribe.

Remune-
ration of
members
of the
Board of
Directors

28. The Minister may, by order published in the *Gazette*, amend, vary, alter or replace all or any of the provisions of the Schedule to this Act.

Minister
may vary
the
schedule

29. Where any order, direction or requirement made or given by the Minister or the Board of Directors under this Act is not required to be published in the *Gazette*, the order, direction or requirement shall be brought to the notice of persons affected or likely to be affected by it in any manner determined by the Minister or the Board of Directors.

Notifica-
tion of
orders,
etc.

30.-(1) The Board of Internal Trade Act, and the Board of External Trade Act, are hereby repealed.

Repeal
and
savings
Cap. 103
Cap. 155

(2) Notwithstanding the provisions of subsection (1) -

(a) all subsidiary legislation and all exemptions made or given under those Acts which are in force on the appointed day shall be deemed to have been made or given under this Act, and shall remain in force until revoked by subsidiary legislation made under this Act or until it otherwise expires or ceases to have effect; and

(b) all officers appointed pursuant to the provisions of the Board of Internal Trade Act and the Board of External Trade Act to perform functions specified under the former Boards' Staff

Caps .103
and 155

Regulations and Schemes of Service made under those Acts, shall, unless their appointments are revoked or any officer otherwise ceases to hold office or are re-appointed, be deemed to be authorized officers appointed under this Act.

SCHEDULE

(Made under section 6 (2))

Composi-
tion of
the Board
of
Directors

- 1.-(1) The Board of Directors shall consist of-
- (a) a Chairman, who shall be appointed by the President;
 - (b) one member from the Ministry responsible for trade;
 - (c) one member from the Ministry responsible for trade in the Revolutionary Government of Zanzibar;
 - (d) one member from the Ministry responsible for agriculture;
 - (e) one member from the Ministry responsible for finance;
 - (f) one member representing the Tanzania Chamber of Commerce, Industries and Agriculture;
 - (g) one member from the Zanzibar National Chamber of Commerce, Industries and Agriculture; and
 - (h) two other members with strong expertise and experience in trade one of whom shall come from Tanzania Zanzibar.

(2). The members appointed under paragraph (1), shall either be experts, knowledgeable or practically engaged in business and trade.

(3) All members other than the Chairman shall be appointed by the Minister after consultation with the Minister responsible for Trade in the Revolutionary Government of Zanzibar.

Vice
Chairman

2. The Board of Directors shall elect one of their members to be the Vice-Chairman of the Board of Directors, 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 for one further term.

Tenure of
appoint-
ment

3.-(1) A member of the Board of Directors shall, unless his appointment is sooner determined by the appointing authority or he otherwise ceases to hold office for the period which the appointing authority may specify in his appointment, or if no period is so specified for a period of three years from the date of his appointment, be eligible for re-appointment for one further term:

Provided that, in the case of a member by virtue of his holding same other office, he shall cease to be a member upon his ceasing to hold that office.

(2) Any member of the Board of Directors may, at any time resign by giving notice in writing to the appointing authority and from the date specified the notice or where 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.-(1) The Chairman shall preside at all meetings of the Board of Directors.

Powers of
Chairman
and Vice-
Chairman

(2) Where at any meeting of the Board of Directors, the Chairman is absent, the Vice-Chairman shall preside.

5. Where any member is, by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the board, the appointing authority may appoint a temporary member in his place and that temporary member shall cease to hold office on the resumption of office of the substantive member.

Appoint-
ment of
temporary
member

6.-(1) The Board of Directors shall ordinarily meet for the transaction of its business at times and places determined by it, but shall, in any case, meet at least once in every three months.

Meetings
of the
Board of
Directors

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

(3) The Chairman or in his absence the Vice-chairman, shall preside at every meeting of the Board of Directors and, in the absence of both the Chairman and the Vice-chairman, the members present shall appoint one of their number to preside over the meeting.

(4) The Chairman or in his absence the Vice-chairman may and shall, upon the request of a majority of the members, invite to a meeting any person who is not a member to participate in the deliberations of the Board of Directors but such person shall not be entitled to vote.

7. Where any member absents himself from three consecutive meetings of the Board of Directors without reasonable excuse, the Board of Directors shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Absence
from
three
consecutive
meetings

8.-(1) The secretary shall record and keep details of all business conducted or transacted.

Minutes
of
meetings

(2) The minutes of each meeting of the Board of Directors shall be confirmed and signed at the next meeting of the Board of Directors by both the Chairman and the Secretary.

(3) Any minutes purporting to be signed by the Chairman and the Secretary at a meeting of the Board of Directors shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes purport to be.

Vacancies,
etc. not
to
invalidate
proceedings

9. The validity of any act or proceeding of the Board of Directors shall not be affected by any vacancy among its members or by any defect in appointing any of them.

Quorum

10. The Quorum at any meeting of the Board of Directors shall be half of the members in office.

Decisions
of the
Board of
Directors

11.-(1) Subject sub-paragraph (2), questions proposed at a meeting of the Board of Directors shall be decided by a majority of the votes of the members present and in the event of an equality of votes, the person presiding shall have a second or casting vote in addition to his deliberative vote.

(2) A decision may be made by the Board of Directors without a meeting by circulation of the relevant papers among the members and the expression in writing of the views of the majority of the members, 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 of Directors.

Seal of
the Board
of
Directors

12.-(1) The seal of the Board of Directors shall be of the shape, size and form which the Board may determine.

(2) The seal shall be authenticated by the signature of the Chairman, the Secretary or any officer or employee of the Authority authorized to act in that behalf by the Board of Directors.

Signifi-
cation of
other
documents

13.-(1) All regulations, appointments, instruments, contracts and other documents required to be sealed shall be deemed to be lawfully executed by or on behalf of the Board of Directors if sealed with the common seal of the Authority and signed by—

- (a) the Chairman and the Director General; or
- (b) the Director General and any other member or employee of the Authority authorized in writing in that behalf by the Board of Directors.

(2) The common seal of the Authority shall not be affixed by any person to any instrument or document under sub-paragraph (1) except, in the case of the Chairman in the presence of the Director General or in the case of the Director General, in the presence of any other member of the Board of Directors or of an officer or employee of the Authority authorized in writing in that behalf by the Board of Directors.

Board of
Directors
may regulate
its own
proceedings

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

Passed in the National Assembly on 29th January, 2009.



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Dr. Thomas D. Kashililah
Clerk of the National Assembly