

CHAPTER 249
THE FOOD SECURITY ACT
[PRINCIPAL LEGISLATION]
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SCHEDULE

CHAPTER 249

THE FOOD SECURITY ACT

An Act to establish an Authority to regulate production, processing and marketing of cereals and other produce; to provide for the national food security assurance mechanisms and for other related matters.¹

[8th May, 2023]

[GN. No. 345 of 2023]

[GN. No. 346 of 2023]

Acts Nos.
10 of 1991
19 of 2009
7 of 2023

PART I

PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the Food Security Act.
- Interpretation **2.** In this Act, unless the context requires otherwise-
- Act No.
19 of 2009 s. 28 “Authority” means the Cereal and other Produce Regulatory Authority as established under section 3;
- “Board” means the Board of Directors of Cereals and other Produce Regulatory Authority;
- “buying centre” means a place designated by the local government authorities and approved by the Authority to be a crop buying centre;
- “cereals” means edible grains such as maize, oat, wheat, rice, millet and sorghum;
- “contract farming” means farming under an agreement between growers, farmers or producers on one part and financiers such as buyers, sellers, processors or bankers on the other part;

¹ The longtitle is amended by Act No. 19 of 2009 under section 28

- “crop” means produce of what is planted or a part of plant which is harvested after cropping, cut, or gathered from a plant or agricultural field, or of a single kind of grain, legume or fruit gathered in a single season;
- “dealer” means a person who is engaged in the business of procuring, processing, importation, exporting, distribution or sale of cereals or other produce;
- “Director General” means Chief Executive Officer of the Authority appointed under this Act;
- “food” means any substance or product whether processed, partially processed or unprocessed intended to be or reasonably expected to be ingested by human in its intended use;
- “food security” means a situation whereby all people at all times have physical, social and economic access, to sufficient and safe food to meet their nutritional needs and cultural preferences for active and healthy life;
- “input” includes planting material, agrochemical, fertilizer, farm implements and packaging material;
- “inspector” means an officer authorised by the Authority to act as an inspector in accordance with the provision of this Act;
- “member” means a member of the Board of the Authority and includes a Chairman;
- “Ministry” means the Ministry responsible for agriculture;
- “Minister” means the Minister responsible for agriculture;
- “natural agricultural resource” includes agricultural land, water and natural vegetation;
- “other produce” means agricultural produce as may be *Gazetted* by the Minister to be regulated under this Act;
- “premises” means land, building, factory, erection, vehicle, article, or receptacle whatsoever used for the purpose of growing, sorting, processing, storage, transporting or for any other activities connected to the handling of cereals or other agricultural produce;

- “processing” with its grammatical variations and cognate expression means any act or thing done to cereals or other produce for the purpose of adding its value and the word “processor” shall be construed accordingly;
- “processor” means a person who converts or transforms on a commercial scale, any cereal or other produce regulated by this Act into a finished or semi-finished product;
- “producer” means a person who grows cereals or other produce;
- “Register” means the Register for farming activities established under this Act;
- “stakeholder” means a dealer in the specified crop industry such as the Central Government, local government authorities, cooperative societies, the Authority, research and training institutes, producers, traders and input suppliers;
- “shared functions” means joint functions to be undertaken by all stakeholders as agreed from time to time and may include research, provision of extension services, inputs supply, crop promotion and development, promotion of fair trade and competition, setting indicative prices, collecting, refining, maintaining and disseminating data and information relating to the specific crop industry, improving technologies and delivery system;
- “stakeholders’ meeting” means zonal, cereal and other produce council meeting held by specified crop stakeholders; and
- “trader” means a person who, as broker, dealer, and marketing company, or other purchaser, acquires any cereals or other produce from a producer or any other person through purchases or otherwise for the purpose of resale.

PART II
THE CEREAL AND OTHER PRODUCE
REGULATORY AUTHORITY

Establishment of
Authority
Act No.
19 of 2009 s. 28

3.—(1) There is hereby established an Authority to be known as the Cereal and Other Produce Regulatory Authority.

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

- (a) have perpetual succession and a common seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) be capable of purchasing or acquiring in any manner and alienating any movable and immovable property;
- (d) be capable of entering into any contract or agreement as may be necessary or expedient for the proper performance of its functions under the provisions of this Act; and
- (e) perform such functions which a body corporate may lawfully perform for the proper discharging of its functions under this Act.

Functions of
Authority
Act No.
19 of 2009 s. 28
7 of 2023 s. 14

4.—(1) The main functions of the Authority shall be to carry out regulatory activities and other matters which are necessary, advantageous or proper for the benefit of the cereals and other produce industry.

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

- (a) develop and enforce sustainable agronomical standards for product, processing and marketing of cereals and other produce;
- (b) ensure fair competition, fair trade, and to set and monitor indicative prices as established by market forces and other matters related thereto;
- (c) collect, refine, maintain, or disseminate information or data relating to the cereals and other produce;
- (d) license persons engaged in the marketing processing of cereals or other produces and their by-products;

- (e) make regulations for cultivation, marketing, processing, importation, exportation and storage of the cereals and other produce;
- (f) register grower, dealers, and premise relating to cereals and other produce;
- (g) inspect or cause to be inspected the farms, grains, premises and other facilities for the cereals and other produce;
- (h) issue import and export permits for the cereals and other produce;
- (i) regulate or to control the collection, movement, storage, sale, purchase, transportation, marketing, processing, distribution, importation, exportation, disposal and supply of cereal and other produces;
- (j) establish a system under which cereals and other produce traders shall register and report, for statistical purposes, information on the stocks handled or held by them;
- (k) advise the Minister on the proper production of cereals and other produce in relation to the needs of Tanzania and the extent to which control over the exportation and importation of cereals and other produces is desirable or necessary; and
- (l) perform any other functions as may be required under this Act.

(3) In fulfilling its functions, the Authority shall comply with general or specific directions which the Minister may give.

(4) Notwithstanding the foregoing provisions, the Authority shall, before issuing permits for the importation or exportation of wheat, barley and grape concentrate, seek for approval of the Minister.

Composition of
Board
Act No
19 of 2009 s. 28

5.-(1) There is hereby established a Board of Directors which shall be the governing body of the Authority and shall consist of the following members-

- (a) a Chairman to be appointed by the President;

- (b) a representative from Tanzania Medicines and Medical Devices Authority;
 - (c) a representative from Tanzania Bureau of Standards;
 - (d) a member from the Ministry responsible for marketing of agricultural produce;
 - (e) a member from the Ministry responsible for agriculture;
 - (f) a member representing the Attorney General's Office;
 - (g) a member from the Ministry responsible for local government authorities; and
 - (h) two persons who possess knowledge and experience relevant to the cereals and other produce industry.
- (2) The Director General shall be the Secretary to the Board.
- (3) Members of the Board of Directors under subsection (1) (b) to (h) shall be appointed by the Minister.
- (4) The provisions of the Schedule to this Act shall have effect to the terms of office of members, cessation of membership, proceedings of the Board and other matters relating to the Board.
- (5) The Minister may, by notice published in the *Gazette*, amend, vary or replace any or all provisions of the Schedule to this Act.

Powers of Board
Act No.
19 of 2009 s. 28

- 6.**-(1) The Board shall, in performing its functions, have powers to-
- (a) delegate any of the powers and functions of the Authority to any person in the Board or to any Committee established by the Board or, with the consent of the Minister, to any other person;
 - (b) arbitrate between farmers and other dealers of cereals and other produce; and
 - (c) train crop grading experts, inspectors, farmers and other dealers of cereal and other produce.
- (2) It shall be the duty of the Board in the exercise of its powers and in the performance of its functions to act in such a manner as it appears to it appropriate for the purposes of promoting quality and competitiveness of the cereal and other produce industry within and outside Tanzania.

- Committees of Board
Act No.
19 of 2009 s. 28
7. The Board may, for the purposes of facilitating performance of its functions, establish such number of Committees to perform specific functions as it may deem necessary.
- Delegation of powers or functions of Board
Act No.
19 of 2009 s. 28
8. The Board may delegate to any of those committees such of its powers as it may deem fit.
- Establishment of Zonal Offices
Act No.
19 of 2009 s. 28
9. For proper discharging of its functions under this Act, the Authority may establish zonal offices as may be deemed appropriate.
- Disciplinary functions of Board
Act No.
19 of 2009 s. 28
- 10.–(1) The Board shall be-
- (a) the disciplinary authority over the Director General and senior employees of the Board; and
 - (b) the appellate disciplinary authority for other employees of the Board.
- (2) The Minister may make general or specific regulations prescribing procedures for disciplinary measures against the management or any employee of the Authority.
- Appointment of Director
Act No.
19 of 2009 s. 28
- 11.–(1) The Minister shall, upon recommendations of the Board, appoint on such terms and conditions a Director General who shall be the Chief Executive Officer of the Board.
- (2) The Director General shall hold office for a term of five years and may be eligible for re-appointment for one further term subject to satisfactory performance of his functions.
- Appointment of senior officers and other staff
Act No.
19 of 2009 s. 28
- 12.–(1) The Board may appoint such number of senior officers to the management under the supervision of the Director General.
- (2) The Director General shall employ number of employees to perform the functions of the Board under his supervision on such terms and conditions stipulated in their employment contracts.

Appointment of agents and other contractors
Act No.
19 of 2009 s. 28

13.–(1) The Authority may appoint and employ upon such terms and conditions such number of agents and contractors as it may deem necessary for the better carrying out of its functions under this Act.

(2) The terms and conditions for appointment and employment shall be contained in a written contract or agreement entered between the Authority and the agent or contractor.

PART III REGISTRATION AND LICENSING OF GROWERS AND TRADERS OF CEREALS AND OTHER PRODUCE

Registration of growers and traders
Act No.
19 of 2009 s. 28

14.–(1) Any person who deals in cereals and other produce being a trader, processor or warehouse owner or operator shall be required to apply for registration with the Authority.

(2) Application for registration under subsection (1) shall be made in the prescribed form and shall be submitted to the Authority which shall upon registration of the dealer, issue a registration number.

(3) The procedures for registration under this section shall be as may be prescribed in the regulations.

(4) The Director General may delegate his powers for registration to the Zonal-Officer in-charge.

Registration of processors.
Act No.
19 of 2009 s. 28

15.–(1) The Authority shall, for purposes of facilitating registration, require registration of all processors of cereals and other produce to be effected in their respective districts authorities.

(2) The procedures and other requirements for registration under this section shall be prescribed in the regulations.

Contract for farming
Act No.
19 of 2009 s. 28

16.–(1) A registered farmer may, for the purpose of facilitating farming activities, enter into contract for farming with a financier, buyer, processor, investor or banker.

(2) The contract for farming entered under subsection (1) shall be in the prescribed standard form and shall contain-

- (a) name and address of the registered farmer;
- (b) name and address of the financier;
- (c) obligations of the parties;
- (d) type or kind of facilitation to be granted or loaned to the farmer;
- (e) terms and conditions imposed on the farmer; and
- (f) such other information as may be necessary for the purpose of such contract.

(3) A contract for farming entered to under subsection (1) shall, before being signed, be approved by the Authority.

(4) A financier, buyer, processor, investor or banker shall not facilitate a registered farmer in any manner if that farmer does not have a contract of farming as required under this section.

(5) A person who contravenes this section commits an offence and shall on conviction be liable to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both.

Registration
of contract for
farming
Act No.
19 of 2009 s. 28

17.-(1) A farmer who entered into a contract for farming or any agreement with a financier, buyer, processor, investor or banker shall submit a copy of the contract or agreement to the Authority for perusal, advice and registration.

(2) The Authority shall monitor the implementation of contract for farming or agreement in order to protect rights of both parties.

Maintenance of
register
Act No.
19 of 2009 s. 28

18.-(1) There shall be a register of growers, traders, processors and warehouse owners or operators where all matters relating to cereal and other produce provided for under this Act shall be entered.

(2) The Authority shall cause to be kept and maintained in such form as the Authority deems fit, a register of all land planted with cereals or any other produce, owners, occupiers

and managers thereof and of all buildings used or intended to be used for grading, market centers, warehouses and processing factories.

(3) The register kept or maintained by the Authority under subsection (2) shall be a public document and shall be accessible to the public upon request and payment of prescribed fee.

(4) A person shall have a right to demand and be given an extract from the register upon payment of fee as prescribed in the regulations.

Issuance of
licence
Act No.
19 of 2009 s. 28

19.—(1) A person registered as a cereals and other produce dealer under this Act shall apply to the Authority for a license for buying, selling, exporting, importing and processing cereals and other produce.

(2) Application for license shall be in the prescribed form and shall contain the particulars of the applicant, the cereals and other produce activities involved, location of the business and any other information as may be required for that purpose.

(3) The Authority may, after consideration of an application under this section—

- (a) issue licence to the applicant upon such terms and conditions as the Authority may prescribe; or
- (b) refuse to issue licence and direct the Director General to inform the applicant the reasons for refusal.

(4) A person shall not buy, process, sell, operate warehouse, import or export any cereals or other produce on commercial basis without a licence issued by the Authority.

(5) A person who contravenes the provisions of this section commits an offence and on conviction shall be liable to a fine of not less than two million shillings or to imprisonment for a term of not less than one year but not more than three years.

Form of license
Act No.
19 of 2009 s. 28

20. The licences granted under the provisions of this Act shall be in the prescribed form and shall contain—

- (a) names and address of the license holder;
- (b) the kind of crops involved;
- (c) the registration number of the licence holder;

- (d) terms and conditions as may be imposed on the licence by the Authority; and
- (e) the seal of the Authority and the signature of the Director General or a person authorised by him.

Cancellation or suspension of licence
Act No.
19 of 2009 s. 28

21.—(1) The Authority may, where the terms and conditions of the licence have not been complied with, cancel or suspend any licence issued under this Act.

(2) Any person aggrieved by the decision of the Authority pursuant to this section may, within sixty days from the date of decision of the Authority, appeal to the Minister.

(3) Procedures for appeals shall be as may be prescribed in the regulations.

Offences relating to licences
Act No.
19 of 2009 s. 28

22. Any person who buys, imports, exports, or processes cereals and other produce, for commercial purpose, without a licence issued by the Authority commits an offence and on conviction shall be liable to a fine of not less than two million shillings but not exceeding five million or to imprisonment for a term of not less than one year but not more than two years.

Power to call information
Act No.
19 of 2009 s. 28

23.—(1) For the purposes of securing proper performance of its functions under this Act, Authority may require in writing any department, organisation, authority or body of persons, to furnish information as may be required.

(2) Any person who is required to furnish information under subsection (1) shall comply with that requirement and any person who refuses or fails to comply with that requirement commits an offence.

PART IV

CROP GRADING, WEIGHING AND INSPECTION

Grading of crops
Act No.
19 of 2009 s. 28

24.—(1) All cereals or any other produce brought at the buying centre for sale shall be kept in such grades depending on the quality of such cereals or any other produce.

(2) It shall be the duty of the producer or seller of the cereals and other produce to ensure appropriate grading of the cereal or other produce prior to selling at the centre.

(3) A person with a valid trading license in cereals or other produce shall grade and weigh the produce by a duly registered grading expert authorised by the Authority.

(4) A person who trades in un-graded cereal or other produce, commits an offence and on conviction shall be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than six months but not more than two years or to both.

(5) A person who purports to grade the cereals or other produce without qualification as a grading expert registered by the Authority, commits an offence and on conviction shall be liable to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not more than three years or to both.

(6) The Authority shall make rules in respect of procedures for grading, processing, storage, transportation and marketing of each crop.

Appointment of
grading experts
Act No.
19 of 2009 s. 28

25. The Authority shall appoint technically trained persons to be grading experts for relevant crops who shall verify grades of the crops.

Appointment of
inspectors
Act No.
19 of 2009 s. 28

26.—(1) The Authority may appoint competent persons to be inspectors who shall have and exercise powers generally to supervise the arrangement for land preparation, cultivation, processing and export of cereals and other produce.

(2) Without prejudice to the generality of subsection (1), the inspector shall have and exercise such other powers including the inspection of fields, processing plants, marketing centres, the taking of samples and the certifying of weight and quality of crops as are provided for in this Act or as may be prescribed in relevant regulations.

(3) A person appointed by the Authority under subsection (1) shall perform duties upon such terms and condition as may be determined by the Authority.

Power of
inspectors
Act No.
19 of 2009 s. 28

27.—(1) An inspector or any other person duly authorised in writing in that behalf may, at any reasonable time, enter into any vehicle, carrier or any place where cereals or other produce are grown, processed, packed, stored or sold and inspect or examine the same for the purpose of ensuring compliance with the provisions of this Act.

(2) The inspector or any authorised person may, in the exercise of this powers under this Act, take samples of any crop or its by product found in or in any store, plant or carrier, or any other place or premises including any land and may test such samples as he may deem necessary.

(3) Any person who obstructs the inspector or any other authorised person in the exercise of the power conferred upon him by this Act, or who neglects or refuses to produce to the inspector or an authorised person, books, records or anything which may be required for the purpose of inspection, commits an offence.

PART V FINANCIAL PROVISIONS

Funds and
resources of
Authority
Act No.
19 of 2009 s. 28

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

- (a) such sums of money as may be appropriated by the Parliament;
- (b) money raised by way of loans, donations or grants from within and outside Tanzania;
- (c) loan or subsidy granted to the Authority by the Government or any other person;
- (d) such sums of money or property which may become payable to or vested in the Authority under this Act or any other written law or in respect of any matter incidental to the carrying out of its functions.

Books of accounts and audit Act No. 19 of 2009 s. 28

29.—(1) The Authority shall cause to be kept and maintained proper books of accounts with respect to-

- (a) sums of money received and expended by the authority and matters in respect of which the receipt and expenditure take place;
- (b) assets and liabilities of the Authority; and
- (c) the income and expenditure statement of the Authority.

(2) The auditing of the financial reports and books of accounts of the Authority shall be done, by either Controller and Auditor-General or a person authorised by him.

Annual report Act No. 19 of 2009 s. 28

30.—(1) The Authority shall, not later than six months after the end of financial year, submit to the Minister a copy of the audited accounts and annual report on the activities of the Authority in respect of that year.

(2) The Minister shall, within a period of six months after the accounts have been audited, lay the audited accounts and audit report before the National Assembly.

(3) For the purpose of this section, “financial year” of the Authority shall be a period not exceeding twelve consecutive months which conform to the financial year of the Government.

Remuneration of members Act No. 19 of 2009 s. 28

31. The Chairman and other members of the Board of the Authority shall be entitled to allowances at such rates as the Minister may, upon the recommendation of the Board, approve.

PART VI

[OMITTED]

PART VII

GENERAL PROVISIONS

Designation
of agricultural
crop or food
commodities for
national food
security
Act No.
19 of 2009 s. 28

32. The Minister may, by notice published in the *Gazette*, designate any agricultural crop or food commodity that he considers essential for the food security in the country for the purposes of national food security.

Duty to ensure
food security at
household level
Act No.
19 of 2009 s. 28

33.—(1) In order to guarantee food security at household level, any person in charge of a household shall ensure food security within his household.

(2) The local government authority may, in consultation with the Minister, make by-laws to facilitate effective enforcement of subsection (1).

Offences and
penalty
Act No.
19 of 2009 s. 28

34. Any person who-

- (a) refuses or fails to furnish any requested information under this Act or furnishes false information;
- (b) obstructs or prevents any officer from exercising his powers under this Act;
- (c) tampers with any information or goods that may be required by any officer for the purposes of enforcements of this Act;
- (d) fails to cooperate with any office in enforcement of this Act; or
- (e) fails to comply with any provisions of this Act,

commits an offence and on conviction shall be liable to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding three years or to both.

Protection
of members
Act No.
19 of 2009 s. 28

35. An act or thing done or omitted to be done by any member of the Authority or committee, staff, servant or agent of the Authority shall not, if the act or thing was done in good faith for the purpose of carrying out the provisions of this Act or of

any order or regulations made thereunder, render such person to any action, liability, claim or demand whatsoever.

Forfeiture
Act No.
19 of 2009 s. 28

36.—(1) Where any court convicts any person of an offence under this Act or under any subsidiary legislation made under it, may order in addition to any penalty imposed, the forfeiture by the Government of the property in respect of which the offence has been committed.

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

(3) The Minister shall have the power to determine the procedures for disposal of anything forfeited to the Government under subsection (2).

General penalty
Act No.
19 of 2009 s. 28

37.—(1) Any person who contravenes provisions of this Act, commits an offence and except otherwise provided in the provision on conviction shall be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than one year but not exceeding three years or to both.

(2) Where an offence under this Act is committed by a body corporate, that body corporate shall on conviction be liable to a fine of not less than ten million shillings.

Offences by body
corporate
Act No.
19 of 2009 s. 28

38. Where any offence under this Act or subsidiary legislation made under this Act is committed by a 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, commits an 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.

Offences by
agents
Act No.
19 of 2009 s. 28

39. Where an offence under this Act or any subsidiary legislation made under this Act is committed by a person or an agent or employee of the principal then, such agent or employee, the principal or employer commits an 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.

Notification
of orders and
directions
Act No.
19 of 2009 s. 28

40. Where any order or direction made or given by the Minister 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 a manner determined by the Minister, or as the case may be, the Authority.

Burden of proof
Act No.
19 of 2009 s. 28

41. In any proceedings for an offence under this Act the burden to prove that the order, direction or requirements, the contravention of which constitutes the offence with which the accused is charged, shall not lie on the accused.

Power to make
regulations
Act No.
19 of 2009 s. 28

42.—(1) The Minister may make regulations for effective implementation of the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), of this section the regulation shall-

- (a) prescribe for the better performance of the duties of the Authority;
- (b) direct or prohibit the movement of cereals or other produce within or outside the country, either generally or in specified circumstances and subject to any conditions which may be specified;
- (c) prescribe for the manner in which data shall be collected and maintained by the Authority;
- (d) prescribe for the procedures for making any application and registration of farmers or dealers of cereal and other agricultural produce;
- (e) prescribe for fees to be charged under this Act;
- (f) prescribe for the establishment and functions of any subcommittees, zones or centres;
- (g) prescribe for the standards of products of every dealer in relation to the trade in any cereals and other produce;

- (h) prescribe for the necessary conditions for ensuring food security at the household level; and
- (i) prescribe for any other matter or thing which is required or necessary to be prescribed or provided for under this Act.

PART VIII
[OMITTED]

SCHEDULE²

(Made under section 5(4))

**PROVISIONS RELATING TO THE BOARD OF
DIRECTORS OF THE CERÉALS AND OTHER
PRODUCE REGULATORY AUTHORITY**

Tenure of office of members	1. A member of the Board of Directors appointed in terms of this Act, shall hold office for a term of three years from the date of his appointment and may be eligible for re-appointment for one further term of three years.
Resignation	2.-(1) Notwithstanding paragraph 1, any member of the Board may at any time resign from the Board by giving notice in writing to the Minister and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the Minister, he shall cease to be a member. (2) Where a person ceases to be a Board member for any reason before the expiration of his term of office, the Minister shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.
Number of meetings	3. The Board shall meet four times a year for ordinary business and may convene extra ordinary meetings at any time as it deem necessary for discharging its functions under the Act.
Vice Chairman	4. The Board shall appoint one of their members to be a Vice Chairman.
Proceedings of meetings	5.-(1) All meetings of the Board shall be convened by the Chairman or, in his absence, by the Vice Chairman and, in the absence of both the Chairman and the Vice Chairman from the meeting, the members

² This Schedule has been introduced by Act No. 19 of 2009, section 28.

present shall elect one of their members to be an interim chairman of that meeting.

(2) The Chairman, or in the absence, the Vice-Chairman, shall convene a special meeting of the Board upon a request in writing signed by not less than four members of the Board and shall cause such a meeting to be held within twenty-one days of receiving such request.

Co-opted members

6. The Board may co-opt any person to attend any deliberations of the meeting of the Board as an expert but such person so co-opted shall not have the right to vote.

Decision of Board

7.—(1) The Board shall make its decision by voting during the meeting and in case of any equality in the votes the Chairman or any other person presiding at meeting shall have a casting vote.

(2) Notwithstanding subparagraph (1) decisions may be made by the Board by circulation of papers to the members whereby each member shall express his views in writing provided that any member may require that any such decision be deferred for discussion at a full meeting of the Board.

(3) A circular resolution in writing signed by all members for the time being in Tanzania shall be as effectual as a decision made at a meeting provided that a member may require that notwithstanding the director's signature the matter be brought at the following Board.

Quorum

8. Half of the members of the Board shall constitute a quorum at any meeting and all acts, matters and things to be done by the Board shall be decided by a simple majority of the members present at the meeting.

Vacancies

9. Subject to the provision of this Schedule relating to quorum, the Board may act notwithstanding any vacancy in the members thereof and act or proceeding of the Board shall not be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.

A member to declare interest

10. A member who is in any way directly or indirectly interested in a contract or proposed contract or any matter being deliberately by the Board shall declare the nature of his interest to the other members.

Minutes

11. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at its next meeting and signed by the Chairman of the meeting.

Seal of Board

12.—(1) There shall be a common seal of the Board which shall be of such shape, size and form as the Board may determine.

(2) The seal of the Board shall not be affixed to any deed, instrument, contracts or agreement to which the Board is a party except in the

presence of the Chairman of the Board or any other member authorised by him, Chief Executive Officer or a person authorised by him.

Power to regulate its procedures

13. Subject to the provisions of this Act the Board shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its business.

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