

CHAPTER 275

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CHAPTER 275

THE TEA INDUSTRY ACT

An Act to repeal the Tea Ordinance and enact the Tea Industry Act to provide for the establishment of Tanzania Tea Board and the Tanzania Small-holder Tea Development Agency, and the promotion and regulation of the growing and export of tea, and for matters incidental thereto.

[1st October, 1997]

[GN. No. 688 of 1997]

Acts Nos.

3 of 1997

2 of 1998

12 of 2004

20 of 2009

GNs. Nos.

440 of 1998

34 of 2001

PART I

PRELIMINARY PROVISIONS

Short title

Act No.

20 of 2009 s. 4

1. This Act may be cited as the Tea Industry Act.

Interpretation

Act No.

20 of 2009 s. 5

GNs. Nos.

440 of 1998

34 of 2001

2. In this Act, unless the context otherwise requires-

“Agency” means the Tanzania Small-holder Tea Development Agency established by section 3;

“Association” means an association formed and registered under the Co-operation Societies Act;

“blending” means blending and packing of made tea;

“Board” means the Tea Board of Tanzania established by section 3;

“contract farming” means farming undertaken under an agreement between tea growers, farmers or producers on one part and financiers including green leaf buyers, factory investors or bankers on the other part;

“Director General” means the Chief Executive Officer of the Tea Board of Tanzania appointed under this Act;

Cap. 211

- “financial year” in relation to the Board or the Agency includes the Board’s or Agency’s first accounting period, whether shorter or longer than a year, and if the Board or the Agency changes its accounting year, includes any accounting period, whether shorter or longer than a year, employed to give effect to the change;
- “green leaf tea” means leaf detached from tea plants but not dried or processed in any way;
- “input” means planting materials, agrochemical, fertilizers, packaging material and farm implements;
- “local government authority” means a district authority or urban authority established under the local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;
- “made tea” means the leaf of the tea plant when manufactured;
- “manufacturing” means the conversion of green leaf tea to made tea;
- “Minister” means the Minister responsible for agriculture;
- “Ministry” means the Ministry responsible for agriculture;
- “regulatory function” includes quality control, licensing, data collection, analysis and dissemination, market information, enforcement of law and order, enforcing rules and regulations for proper production, processing, marketing, importation, exportation, storage of tea inputs and products setting indicative price, representing Government in international and local fora, control of export and import of tea, and control of pests and diseases and such other related functions;
- “shared function” means a joint function to be undertaken by all tea stakeholder as may be agreed upon including research, training extension services, inputs supply, tea crop development, crop promotion, tea infrastructure development, generic promotion of tea consumption and promotion of fair trade and competition;
- “stakeholder” means a person or an organisation dealing in tea industry including the central government, local

Caps. 287 and
288

government authorities, cooperative societies, the tea board, the Agency, Tea Research Institute of Tanzania, the Small-holder Tea Growers Association, Tea Association of Tanzania and private players such as producers, input suppliers, research and extension institutions and all person with a vested interest in tea industry;

“stakeholders meeting” means a meeting of all tea stakeholders referred to under section 26;

“register” means the register maintained under section 14 of this Act;

“tea” means the tea plant known botanically as *Camellia Thea* (Sinensis) and includes its seed; and

“tea industry” means the growing, manufacturing, packing and blending of tea;

PART II

THE TEA BOARD OF TANZANIA AND THE TANZANIA SMALL-HOLDER TEA DEVELOPMENT AGENCY

Establishment of
Tea Board and
Development
Agency

- 3.–(1) There are hereby established bodies corporate namely the Tea Board of Tanzania and the Tanzania Small-holder Tea Development Agency which each respectively shall-
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) in its corporate name be capable of suing and being sued;
 - (c) be capable of holding, purchasing or otherwise acquiring, and disposing of any property, movable or immovable, for the purposes of carrying out the functions conferred upon it by or under this Act.
- (2) The provisions of the First Schedule and Second Schedule to this Act shall have effect as to the functions, powers, responsibilities, constitution and proceedings in respect of the Board and the Agency respectively.

Assets
GN. Nos.
440 of 1998
34 of 2001

4. The assets and liabilities of the Authority shall by virtue of this Act and without further assurance vest in the Board or the Agency as the Minister in consultation with the Minister for the time being responsible for finance may determine.

Powers and
functions of
Board
Act No.
20 of 2009 s. 6

5.-(1) It shall be the duty of the Board in the exercise of its powers and in the performance of its functions under this Act to act in such manner as appears to it best calculated to promote the tea industry in Tanzania.

(2) In the exercise of its powers and in the performance of its functions under this Act, the Board shall act in accordance with any general or special directions that may be given to it by the Minister.

(3) The Board shall carry out regulatory functions and such other activities necessary, advantageous or proper for the benefit of the tea industry.

(4) Without prejudice to subsection (3), the specific functions of the Board shall be to-

- (a) advise the Government on the policies and strategies for the development of the tea industry;
- (b) regulate and control the quality of tea and tea by-products;
- (c) collect, refine, maintain, use or disseminate information or data relating to the tea industry;
- (d) monitor the production and exportation of tea;
- (e) regulate processing, exportation and storage of tea and tea by-products;
- (f) represent the Government in international and local fora in matter relating to the tea industry;
- (g) regulate import and export of tea;
- (h) control pests and diseases; and
- (i) promote and protect interest of farmers against syndicates of buyers which may be formed through associations.

(5) The licences or permits to be issued by the Board shall be-

- (a) in the prescribed form;
- (b) subject to such terms and conditions as may be prescribed or endorsed therein;

(c) issued subject to the payment of fees as may be prescribed by the Board.

(6) The Board may authorise any of its members, or any officer employed by it, to exercise on its behalf, at any time when it is not meeting, such of its powers as it may resolve.

(7) The exercise of powers under subsection (6) of this section shall, unless and so far as the Board may otherwise require, be reported without unreasonable delay to a next meeting of the Board.

Investments

6. The Minister may, in consultation with the Minister responsible for finance, direct the Board subject to such terms and conditions as he may think fit to own or transfer any investment or shares or interest of the Board to any institution, or otherwise dispose of all or any of its shares or interest in any investment made under this section.

Tea research
Act No.
20 of 2009 s. 7

7. All agricultural research in respect of tea may be carried out by any institution interested in the tea research including the Tea Research Institute of Tanzania.

Directions

8. The Minister may give to the Board directions of a general character as to the carrying out of its functions and the exercise of its powers in relation to matters appearing to the Minister to be of national interest and the Board shall give effect to any such directions.

Appointment
of Director
General and other
employees
Act No.
20 of 2009 s. 8

9.—(1) The Minister shall with the recommendation of the Board appoint the Director General of the Board who shall be the Chief Executive Officer.

(2) The Director General appointed under subsection (1) shall hold office for term of five years and may be eligible for re-appointment subject to satisfactory performance of his functions.

(3) The Board of Directors may appoint, at such salaries and upon such terms and conditions such number of senior officers to the management of the Board.

(4) The Director General shall employ such number of employees as may be necessary for proper and efficient performance of the functions of the Board.

Funds
Act No.
20 of 2009 s. 9

10. The funds and resources of the Board shall consist of-

- (a) such sums as may be provided by Parliament;
- (b) any loan granted to the Board by the Government or any other person;
- (c) any sum or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to the carrying out of its functions.

Report

11. The Board shall, within six months after the end of each financial year, make a report to the Minister on the conduct of its business during that year and the Minister shall lay a copy of such report before the National Assembly.

Accounts and
audit
Act No.
20 of 2009 s. 10

12.-(1) The Board shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of account in a form approved by the Minister.

(2) The accounts of the Board shall be audited by the Controller and Auditor-General.

(3) As soon as the accounts of the Board for any financial year have been audited, the Board shall cause to be sent to the Minister a copy of the statement of account prepared in respect of that year together with a copy of any audit report made thereon.

(4) 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 to which the accounts relate, lay a copy of every statement of account and audit report before the National Assembly.

Liability of
members, etc.

13. A matter or thing done by any member, officer, servant or agent of the Board shall not if the matter or thing is done in good faith for the purpose of carrying out the provisions of this Act or of any order or regulations made thereunder,

subject any person as aforesaid to any action, liability, claim or demand whatsoever.

PART III PLANTING OF TEA

Registration of
tea growers

14.—(1) The Board shall cause a register to be maintained of all land planted with tea and of the owners, occupiers and managers thereof in such form as the Board deems fit.

(2) For the purposes of such register, the owner, occupier or manager of any land which has been planted with tea, at any time, prior to the date of coming into operation of this Act shall, upon request in writing by the Board, make to the Board a return containing such particulars of any matter relating to the said land, the tea planted thereon, and himself as such owner, occupier or manager as aforesaid as may be prescribed by the Board in rules made under this Act.

(3) Upon receipt of the return, the Board shall cause the particulars to be entered in the register and thereupon the owner, occupier or manager shall in regard to the land be a registered tea grower for the purposes of this Act.

(4) Where any person who is required to make a return under subsection (2) of this section—

(a) fails or refuses to make such a return upon request in writing by the Board; or

(b) makes or causes to be made a return which to his knowledge is false in any particular manner,
commits an offence against this Act.

Regulation of
purchase of tea
leaves
Act No.
2 of 1998 Sch.

15.—(1) A person may, whether or not he manufactures tea or he is the agent of the manufacturer, purchase any tea leaves from any producer.

(2) Notwithstanding subsection (1), any person who purchases tea leaves in pursuance of this section shall, in dealing with the leaves, comply with conditions and restrictions imposed or prescribed by the Board to safeguard the quality of the tea

so purchased, and it shall be an offence against this Act, which shall be punished, in addition to any other penalty, with an order prohibiting that purchaser from any further dealing in tea.

PART IV MANUFACTURE OF TEA

Prohibition to
manufacture tea
without licence
Act No.
2 of 1998 Sch.

16.—(1) A person shall not manufacture tea for sale, whether by sun drying or otherwise, except under and in accordance with a licence.

(2) The Board may, after consultation with the Minister, issue a manufacturing licence, subject to such terms and conditions the Board thinks fit, or may, after such consultation, refuse to issue a manufacturing licence of any ground which may appear to the Board to be sufficient.

(3) The Board may, after consultation with the Minister, cancel, vary or suspend any licence issued under this section, or suspend any such licence in respect of a specified factory only.

(4) Where under this section the Board refuses to issue or suspends tea manufacturing licence, the applicant for such licence may within ninety days of such refusal or suspension appeal in writing to the Minister whose decision shall be final.

(5) An application for a licence under this section shall be made in writing in the prescribed form.

Illegal
manufacture,
possession, etc
Act No.
2 of 1998
Sch;
GN. No.
34 of 2001

17.—(1) A person who-

- (a) manufactures tea for sale in contravention of section 15;
- (b) buys, sells, exposes for sale, transports or has in his possession any tea which to his knowledge or belief-
 - (i) has been grown, manufactured or dried otherwise than in accordance with this Act; or
 - (ii) is being or has been moved otherwise than in accordance with regulations controlling such movement,

commits an offence and on conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

(2) Where a person has in his possession or under his control any tea for which he is unable to account to the satisfaction of a person authorised under section 17 or 18, such tea shall be deemed to have been grown, manufactured or dried otherwise than in accordance with this Act until the contrary is proved.

(3) Where a person is convicted of an offence under this section, the court shall order that any tea and any vehicle, vessel or other conveyance in relation to which an offence has been committed shall be forfeited to the Government unless, in the case of a vehicle, vessel or other conveyance, the court sees good reason, to be recorded by it in writing, not do so.

PART V ENTRY AND INSPECTION

Entry and
inspection
Act No.
2 of 1998 Sch.
GN. No.
34 of 2001
Ord. 2

18.—(1) A person duly authorised in writing in that behalf by the Board may, at all reasonable times and on production of his authority to any person requiring, enter upon any land and buildings occupied by a licensee, or by the holder of a manufacturing licence issued under section 19 and may make such inspection and inquiries as he thinks fit for ascertaining whether the provisions of this Act, and of any regulations made there under, and may require any person found thereon to give him such information as he may reasonably require.

(2) A person who hinders or obstructs any person duly exercising or attempting to exercise any of the powers conferred by subsection (1) or who fails to give to the best of his ability any information reasonably required of him under that subsection commits an offence.

Powers of search
and seizure
Act No.
2 of 1998 Sch.;
GN. Nos.
440 of 1998
34 of 2001

19.—(1) An officer of the Ministry of Agriculture or of the Board, authorised in writing by or on behalf of the Board, upon production of his authority on demand, and any police officer or administration officer may—

(a) enter and search any premises upon which he has reason to believe there is tea in respect of which an offence

under section 16 is being or has been committed, and seize and remove any tea found thereon which he has reasonable cause to believe may provide evidence of that offence:

Provided that, before removing any tea under this paragraph, the person removing it shall furnish the person in whose custody or possession the tea at the time of removal with written receipt therefore;

(b) stop, search and detain any vehicle, vessel or other conveyance which he has reason to believe is being or has been used for conveyance of tea in respect of which an offence under this section is being or has been committed.

(2) A seizure under subsection (1)(a) of this section shall be reported without unnecessary delay to a subordinate court, and where any vehicle, vessel or other conveyance has been stopped and detained under subsection (1)(b), the person so stopping and detaining shall forthwith take it or cause it to be taken together with its contents, or report the fact of its detention, to the nearest police station and the officer in charge of the police station may thereupon order that the vehicle, vessel or other conveyance, together with any tea found therein, be seized.

(3) A person who hinders or obstructs a person acting in the exercise of his powers under this section commits an offence and on conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a period of not exceeding two years, or to both.

PART VI EXPORT AND IMPORT OF TEA

Power to prohibit export of manufactured tea without permit
Act No.
2 of 1998 Sch.

20.—(1) Subject to subsection (3), the Board may, by order, prohibit generally for such period as may be specified in such order, the export of manufactured tea otherwise than under and in accordance with the terms and conditions of an export permit.

(2) An order made under subsection (1) shall make such provisions for supplementary and incidental matters as the Board may think fit.

(3) Nothing in this section shall apply to-

- (a) the export of manufactured tea parcel post in package not exceeding one kilogram in weights;
- (b) the export of sample of manufactured tea;
- (c) the re-export of manufactured tea.

Penalty for exporting manufactured tea without permit
Act No.
2 of 1998 Sch.

21. A person who exports manufactured tea in contravention of an order made under subsection (1) of section 20 commits an offence.

Restriction on export of tea, seed, etc.
Act No.
2 of 1998 Sch.

22.-(1) A person shall not, without the permission in writing of the Board, export or import tea, seed, any living seed plant which may be used or is capable of being used for the propagation of tea.

(2) A person who refuses or fails to comply with the provisions of subsection (1) commits an offence.

Power of Board to refuse export permit
Act No.
20 of 2009 s. 11

23. The Board may, in its discretion, refuse to issue a tea export permit under this Act on any ground which may appear to it to be sufficient,

Provided that, a person aggrieved by a decision of the Board may, within sixty days from the date of the decision, appeal in writing to the Minister.

Penalty of wrongful export
GN, No.
34 of 2001

24.-(1) A person exporting or attempting to export made tea in contravention of the provisions of this Act or of any tea export permit commits an offence against this Act and on conviction shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a period not exceeding two years, or to both.

(2) Where any person is convicted of an offence under subsection (1) of this section, the Board in its discretion may cancel any tea export permit granted to the person convicted:

Provided that any person aggrieved by a decision of the Board to cancel any such tea export permit may appeal to the Minister in writing within ninety days of the date of such refusal whose decision on any such appeal shall be final and binding.

PART VII¹

GENERAL PROVISIONS

Contract farming
Act No.
20 of 2009 s. 12

25.—(1) A registered farmer may, for the purpose of facilitating farming activities, enter into contract farming with financier, tea buyers, tea processor, investors or bankers.

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

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

(3) A contract farming entered into under this section shall be submitted to the Board for scrutiny and registration.

(4) The Board shall monitor the implementation of the contract farming in order to protect rights of both parties.

(5) A person being a financier, tea buyer, tea processor investor or banker shall not facilitate a registered farmer in any manner without a contract farming as required under this section.

(6) 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 five million shillings or to imprisonment for a term of not less than six months but not more than two years or to both.

¹ This Part has been introduced by Act No. 20 of 2009, s. 12

- Stakeholders' meeting
Act No.
20 of 2009 s. 12
- 26.**—(1) For the purposes of promoting the development of the tea industry, there shall be a stakeholder's forum which shall be responsible for-
- (a) putting in place mechanisms for the management and funding of the shared functions;
 - (b) making procedures for conducting annual general meetings;
 - (c) determining modalities for financing its activities and meeting, and
 - (d) establishing stakeholders' secretariat and other organs for better carrying out of the shared functions.
- (2) The stakeholders meeting shall be held at least once in a year to agree on the funding, implementation of the shared functions and other matter of common interest.
- Powers to make by-laws
Act No.
20 of 2009 s. 12
- 27.** The local government authorities may, upon consultation with the Minister, make by-laws for the better carrying out the shared functions agreed by the tea stakeholders.
- Returns
GN. No.
34 of 2001
Ord. 2
- 28.** A tea manufacturer, blender and packer, registered tea grower and tea export permit holder shall submit such returns in form at such periods and to such persons as the Board may prescribe in rules to be made under this Act, and any person who fails to submit such returns when called upon to do so commits an offence against this Act.
- General penalty
- 29.** A person who commits any offence against this Act on conviction shall be liable for every such offence, except where in any other section a special penalty is provided for any particular offence, to imprisonment not exceeding twelve months or to a fine not exceeding five hundred thousands shillings or to both.
- Offence committed by bodies corporate
- 30.** Where any offence against this Act is committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, such persons as well as the

body corporate, commits an offence against this Act and shall be liable to be prosecuted against and punished accordingly.

Rules
Act No.
20 of 2009 s. 14
GN. No.
34 of 2001
Ord. 2

31. The Minister may, for better carrying out of the provisions and purposes of this Act and upon consultation with the Board, make rules-

- (a) governing the manufacture and export of made tea;
- (b) prescribing the form of and the particulars to be included in any returns to be made under the provisions of this Act, and all other matters relating to such returns;
- (c) fixing any penalty not exceeding a fine of five hundred thousand shillings or twelve months imprisonment for the breach of any rules made hereunder;
- (d) prescribing anything which is to be or may be prescribed under this Act by the Board; or
- (e) generally for the better carrying out of the purposes of this Act.

Appeals

32. In every case in which under this Act provision is made for an appeal to the Minister, the appellant and the Board may make any representations to the Minister by way of a memorandum in writing but neither party shall be obliged to appear in person before the Minister.

Repeal
Act No.
31 of 1950

33. [Repeals the Tea Industry Ordinance,]

FIRST SCHEDULE

(Made under section 3(2))

CONSTITUTION, FUNCTIONS, AND PROCEEDINGS OF THE BOARD

Secretary

1. The Board shall consist of the Chairman, appoint the Chief Executive Officer who shall also be the Secretary to the Board.

Composition of
Board
Acts Nos.
12 of 2004 Sch.
20 of 2009 s. 15

2.-(1) The Board shall, consist of the Chairman who shall be appointed by the President upon the advice of the Minister and seven other members appointed by the Minister, being-

- (a) one person representing the Tea Association of Tanzania;
- (b) one person representing the Tanzania small-holder's Grower Association;
- (c) one member from the Ministry responsible for agriculture;
- (d) the Chief Executive Officer of the Tea Research Institute of Tanzania;
- (e) the Chief Executive Officer of the Agency; and
- (f) two person who posses knowledge and experience in the development of the tea industry.

(2) A member of the Board may authorise a representative to attend any meeting of the Board in his place, and any such representative shall be deemed to be a member of the Board for the purposes of any meeting which he is so authorised to attend.

(3) The Board may co-opt to serve on it for such length of time as it thinks fit any person or persons whose assistance or advice it may require, but a person so co-opted shall not be entitled to vote at any meeting of the Board or be counted as a member for the purpose of forming a quorum.

(4) The Board shall elect a deputy chairman annually from amongst its members.

(5) Any member who ceases to hold office as such shall be eligible for reappointment.

(6) The life of the Board shall be three years.

Meetings

3.-(1) The Board shall meet at least four times a year and at such other times as may be necessary or expedient for the transaction of its business and all meetings of the Board shall be convened by the Chairman or, in his absence from the United Republic or incapacity through illness, the Vice-Chairman, who shall appoint a suitable time, place and date for the holding of each meeting.

(2) The Chairman or, in his absence from the United Republic or incapacity through illness, the Vice-Chairman, shall convene a special meeting of the Board on a request in writing signed by not less than four members of the Board for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.

(3) Except in the case of a special meeting such as is referred to in subparagraph (2) at least fourteen days notice in writing, specifying the business to be transacted at the meeting, shall be given of each meeting to every member of the Board.

(4) The Chairman, or in his absence, the Vice-Chairman shall preside at the meeting of the Board and in the absence of both the Chairman and the Vice-Chairman the members present at the meeting shall elect one of their number to be an interim chairman.

Quorum 4.-(1) Five of the members of the Board shall constitute a quorum at any meeting.

(2) All acts, matters and things authorised to be done by the Board shall be decided by resolution at a meeting of the Board at which there is a quorum.

(3) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

(4) Every member of the Board shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

(5) Notwithstanding the provisions of subparagraph (2), where the Chairman so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision be deferred until the subject matter shall be considered at a meeting of the Board.

Minutes 5. 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.

Employees 6. The Board may from time to time appoint upon such terms and conditions of service as it may think fit such employees as it may deem necessary for the proper and efficient conduct of the business and operations of the Board.

Power to regulate procedure 7. The Board shall have power to regulate its own procedure and may from time to time make standing orders providing for all matters relating to the meetings of the Board and the proper conduct of its business.

Seal 8. All deeds, instruments, contracts and orders and other documents shall be deemed to be duly executed by or on behalf of the Board-

(a) if sealed with the seal of the Board and signed by the Chairman and the Secretary or if signed by the Chief Executive and two other members of the Board;

(b) if executed in that behalf by one member of the Board and the Secretary both of whom have been authorised by the Board for the purpose.

Vacancy **9.** Subject to the provisions of this Schedule relating to the quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member.

SECOND SCHEDULE

(Made under section 3(2))

Functions
Act No.
20 of 2009 s. 16.
GN. No.
34 of 2001

1.—(1) The functions of the Agency shall be to—
 (a) enhance capacity building for small holder tea growers;
 (b) facilitate tea extension services to small-holder tea growers;
 (c) strengthen the existing ground level tea grower groups.
 (d) facilitate development of tea cultivation in new areas; and
 (e) mobilise small-holder growers in the construction of green leaf processing facilitate.

(2) The Minister may by order published in the *Gazette* add to or replace any of the functions of the Agency provided always the minister may give to the Agency directions of a general or specific character as to the carrying out of its functions and in the exercise of its powers in relation to matters appearing to the Minister to be of national interest and the Agency shall give effect to any such directions.

(3) Subject to the consent in writing of the Minister and after the consultation with the Minister for the time being responsible for finance, the Agency shall have power to promote, establish operate or invest any or all of its funds in a tea estate or factory in the United Republic and in any business or undertaking which may be incidental or conducive thereto and may for such purpose acquire interest or shares in any company and may, for the purpose of obtaining interest or shares in such company, transfer to such company any of its assets provided always if he deems fit the Minister may direct the Agency to withdraw from or otherwise withhold any investment interest, shares previously made in any venture or undertaking in accordance with the provisions of this section and the Agency shall act accordingly.

Constitution
Act No.
20 of 2009 s. 16

2.—(1) The Board of Directors of the Agency shall be appointed by the Minister as follows:

- (a) two members representing small-holder tea growers;
- (b) one member from the Ministry responsible for agriculture;
- (c) two member with knowledge and experience in the tea industry who shall be appointed by the Minister responsible for agriculture;
- (d) one member from tea research institute, and
- (e) the Chief Executive Officer of the Board.

(2) The Chairman shall be appointed by the Minister.

(3) The Chief Executive Officer of the Agency shall be secretary to the Board.

(4) The members shall annually appoint from amongst themselves a Vice-Chairman;

(5) The term of office for each member of the Board shall be three years and the member may be re-appointed;

(6) The Chairman and other Board of Directors of subsidiary companies shall be appointed by the Minister on recommendation of the Board of the Agency.

(7) The Board or the Agency shall meet at such times as may be necessary or expedient, at least not less than four times a year, for the transaction of its business and all meetings of the Board or the Agency shall be convened by the Chairman or in his absence from the United Republic or incapacity through illness, the Vice-Chairman, who shall appoint a suitable time, place and date for the holding of each meeting.

(8) The Chairman or, in his absence from the United Republic or incapacity through illness, the Vice-Chairman, shall convene a special meeting of the Board or the Agency on request in writing signed by not less than four members of the Agency for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.

(9) Except in the case of a special meeting such as is referred to in subparagraph (b) at least fourteen days' notice in writing, specifying the business to be transacted at the meeting, shall be given of each meeting to every member of the Board of the Agency.

(10) The Chairman, or in his absence, the Vice-Chairman, shall preside at the meeting of the Board or the Agency. In the absence of both the Chairman and the Vice-Chairman the members present at the meeting shall elect one of their number to be Chairman for that meeting.

Quorum

3.-(1) Four of the members shall constitute a quorum at any meeting of the Board or the Agency.

(2) All acts, matters and things authorised to be done by the Agency shall be decided by resolution at a meeting of the Board or the Agency at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Board or the Agency shall be deemed to be a decision of the Agency.

(4) Every member of the Agency shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

(5) Notwithstanding the provisions of subparagraph (2) where the Chairman so directs a decision may be made by the Agency without a meeting by circulation of the relevant papers among all the members

and the expression in writing of their views, but any member shall be entitled to require that any such decision be deferred until the subject matter shall be considered at a meeting of the Agency.

Minutes

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

Appointment of
Director General
of Agency and
other employees
Act No.
20 of 2009 s. 16

5.—(1) The Minister shall, upon the recommendation of the Board of the agency, appoint the Director General who shall be the Chief Executive Officer of the Agency.

(2) The Director General of the Agency shall hold office for a term of five years and may be eligible for renewal subject to the satisfaction of the Board of the Agency on his performance.

(3) The Board of Directors of the Agency may appoint, at such salaries and upon such terms and conditions such number of officers to the management of the Agency.

(4) The Director General of the Agency shall employ such number of employers as necessary for proper and efficient performance of the functions of the Agency.

Agency to
regulate its own
proceedings
Act No.
20 of 2009 s. 10

6. Subject to the provisions of this Schedule and to any rules which may be made under section 31 of the Act, the Agency shall have power to regulate its own procedure and may from time to time make standing orders providing for all matters relating to the meetings of the Agency and the proper conduct of its business.

Seal

7. All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Agency—

(a) if sealed with the seal of the Agency and signed by the Chairman or the Vice-Chairman or the Chief Executive and two other members of the Board of the Agency or;

(b) if executed in that behalf by one member of the Board of the Agency and the Secretary to the Board of the Agency both of whom have been authorised by the Agency for the purpose.

Vacancy not
to invalidate
proceedings

8. Subject to the provisions of this Schedule relating to the quorum, the Agency may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Agency shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member.

Vacancy

9. Subject to the availability of vacancies or positions the services of persons employed by the Authority may be transferred to the Board or the Agency as the Minister may find expedient and the employment of all such persons so transferred shall be regarded as continuous provided that the Board or the Agency as the case may be shall not be bound by virtue of the provisions hereof to engage any person who was

previously employed by the Authority and whose service or services are non-existent in the Board or the Agency as the case may be the services of that such an employee shall be considered terminated and such an employee shall be paid his terminal benefit by the Agency according to the law governing his contract of employment.

Application of
certain provisions
of Board to
Agency

10. The following provisions relating to the Board shall also apply *mutatis mutandis* to the Agency namely sections 9, 10, 11, 12, 13, 29, 30, 31 and 32.