

**THE TANZANIA ENGINEERING AND MANUFACTURING
DESIGN ORGANIZATION ACT, 1980**

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THE UNITED REPUBLIC OF TANZANIA



No. 23 OF 1980

I ASSENT,

Handwritten signature of Julius Nyerere in black ink.

.....
President8TH September, 1980
.....

An Act to establish the Tanzania Engineering and Manufacturing Design Organization and to provide for the functions and powers of the Organization in relation to the promotion of engineering, designing, manufacturing and machinery adaptation

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

1. This Act may be cited as the Tanzania Engineering and Manufacturing Design Organization Act, 1980, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

2. In this Act, unless the context requires otherwise-
"the Board" means the Board of the Organization established under section 5;

"Director-General" means the Director-General of the Organization appointed under section 14;

"member" In relation to the Board means a member of the Board and includes the Chairman and the Vice-Chairman;

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

"the Organization" means the Tanzania Engineering and Manufacturing Design Organization established under section 3;

"technical committee" means a committee established under section 7.

PART H**THE TANZANIA ENGINEERING AND MANUFACTURING DESIGN ORGANIZATION**

- Establishment of the Organization
- 3.**-(1) There is hereby established, an Organization to be known as Tanzania Engineering and Manufacturing Design Organization,
- (2) The Organization shall be a body corporate and shall-
- (a) have perpetual succession and an official seal;
 - (b) in its corporate name, -be capable of suing and being sued;
 - (t) subject to this Act, be capable of holding, purchasing or acquiring in any other way,, any movable or immovable property; and of disposing of any of its property.
- Functions of the Organization
- 4.**-(1) The functions of the Organization shall be-
- 0) to design and promote the designing of products and processes for Tanzanian industry in accordance with national industrial development policy;
 - (b) to adapt foreign designs of machinery and equipment to suit local conditions of manufacture, use and maintenance;
 - (c) to manufacture and develop prototypes and spares based on the designs produced by the Organization as well as those which may be brought to the Organization;
 - (d) to design tools, dies, jigs and fixtures required by the industrial sector;
 - (e) to provide technical extension services including training aimed at increasing the skills of technical manpower at all levels and establishments in the country and enabling industry to produce the products or processes for mass marketing;
 - (f) either alone or in, co-operation with other bodies, to assist the industrial sector in solving production, bottlenecks for the purposes of increasing productivity, capacity utilization and quality of products;
 - (g) to provide relevant information and advice to the industrial sector relating to production, purchase and supply, quality control, marketing and other related areas;
 - (h) to identify and conduct short courses in so far as it is within the competence and capacity of the Organization, to co-operate with other institutions in the conduct of such courses.
 - (i) to give on the job training to engineers in designing, production engineering, foundry technology, metrology and metallurgy;
 - (j) to conduct a systematic on the job training, in tools, dies, presswork, specialized welding, design, draftsmanship (mechanical and structural', machinery maintenance and, for' industrial electricians and electronic technicians;
 - (k) to offer consultancy services on material testing, met, , design and other technical undertakings;

- (l) to act as the national link with other international institutions engaged in activities related to the functions of the Organization.
- (m) to do such things incidental or conducive to the fulfillment of the objectives of the Organization as the Board may decide.
- (2) In particular, but without prejudice to the generality of subsection (1), the Organization shall-
- (a) undertake or assist the establishment, equipment And management of any centre or design office within Tanzania for, the performance of any of its functions;
- (b) promote the- national capability for, and carry out engineering designing manufacturing and machinery adaptation,;
- (c) provide to the industrial sector practical technical services by equipping itself with the necessary skilled manpower and, physical facilities, in the form of workshops, laboratories, design offices, and ancillary services.
- (3) For the purposes of the better performance of its functions the Organization shall establish and maintain a system of consultation and co-operation with any person or body of persons established by or under any written law and having functions related to those specified in subsection (1) or (2) or which relate to engineering design generally.

5.-(1) There shall be established a Board of Directors of the Organization which shall subject to this Act, be responsible for the performance of the functions and management of the affairs of the Organization.

Composition and proceedings of Board

(2) The provisions of the Schedule to this Act shall have effect in respect of the constitution of the Board, its proceedings and other matters relating to it.

(3) Save in the case of matters relating to the appointment of the Chairman of the Board, the Minister may, by order published in the *Gazette*, amend, add to, vary or replace any of the provisions of the Schedule to this Act.

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

Minister may give directions to Board

PART III

POWERS AND OPERATIONS OF TIM ORGANIZATION

7.-(1) The Board "I establish, such number of technical committees as the circumstances may require which shall subject to such general or specific directions as the Board may give m that behalf, be responsible for the study of proposals for engineering design projects made to or by the Organization.

(2) Subject to any directions -given by the Board under subsection (1) if it appears to the Director-General that it is necessary that any engineering design project be carried, out by the Organization, he shall take all such measure as are necessary to facility the carrying out of the project or as the case may be to obtain the decision, of the Board on the proposals relating to that project.

(3) In deterring whether or not any proposals for engineering design project be carried out by the Organization the Director-General or, as the case may

- (a) the necessity or desirability and propriety of the 'Project sought to be carried out by the Organization;
- (b) the anticipated, cost of the proposed project;
- (c) the financial ability of the Organization to meet the anticipated cost of the proposed project; and
- (d) the ability of the Organization to carry out the Proposed Projects, having regard to other project being carried out by the Organization.

(4) The Board may, after considering the factors specified in Sub-motion (3) in respect of any proposed project referred to it. approve or withhold it approval and, in the latter case, any require that further information of particulars in connection with the propose project be provide to the Board by the Director-General

Information on engineering design and manufacturing to be furnished to the Organization

8.-(1) Every person engaged, or intending to engage in any Project in engineering design or in manufacturing within Tanzania, shall At his own expense, furnish, to the Organization information relating to that project and shall make available to the Organization copies of any relevant records in such form and within such period as may be prescribe

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not acceding ten thousand shillings. but no person shall be prosecuted for any offence under this section within twelve months after the commencement of this Act.

(3) Notwithstanding subsection (1), the Organization may make arrangements with other firms or organizations engaged in engineering design or manufacture, with or outside Tanzania, for the purpose of establishing a system of exchanging information relating to engineering design and manufacture

Organization

9.-(1) For the purpose of the proper performance of its functions under this Act, the Organization may require in writing any firm or Organization engaged in any project in engineering design or manufacturing within Tanzania to furnish to it such information relating to that project, as the Organization may specify.

(2) Every firm or organization which required to furnish information under subsection (1) shall comply with the requirement and any firm or organization which refuses or fails, to comply with that requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings.

10.-(1) All information furnished to the Organization pursuant to section 8 or 9 shall be kept by the Organization for purposes of record And may b,-, dealt with or disposed of in such manner and for such purposes as the Minister' may approve or direct or direct.

Custody and disclosure of information furnished to the Organization

(2) Save where the Minister,, directs otherwise, all information furnished to the Organization pursuant to, section 8 or 9 shall be treated as confidential.

(3) Subject to subsection (4), any member of the Board of any officer of the Organization who discloses to any, person, except for the Purposes Of the Performance of his duties, or, exercise of his power under this Act. any information furnished to the Organization pursuant to section 8 or 9, or any information which was any other way acquired by the member or, as the case may be, the officer in the performance of his duties or the exercise of his powers under this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding. ing three thousand shillings or imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

(4) Subsection (3) shall not apply to, the disclosure of information made for the purposes of any legal proceedings instituted under this Act or for the purpose of a report relating to these proceedings.

(5) Subject to subsection. (4), where, in the performance of its functions the organization discloses, to any institution or person any information furnished to it pursuant to section 8 or section 9. subsection (3) shall apply to that institution or that person as if reference that subsection to a member of the Board or an officer of the or, as the were references to a member or an officer of the institution or, as the case may be, the persons to whom the organization discloses the information.

11.-(1) Where as result of any project carried out by or on behalf of the Organization anything is invented, the invention shall become the property of the Organization

Provisions relating to invention

(2) For the purpose of the commercial explosion of any invention which the Organization considers important for, or incident to the performance of its functions, the Organization may arrange with any person or body of person to buy, sell take or grant patent rights in the invention, subject to terms approved by the Board.

(3) The Organization may, with the prior approval of the Minister, enter into any arrangement under subsection (2) the terms of which require the Organization to provide financial assistance in the form of a loan or grant to the person or body of person with whom the arrangement is entered.

(4) Except with the consent of the Minister, the Organization shall not, in pursuance of any of the provisions of this section undertake to incur any expenditure-, which exceeds one percent of the estimated recurrent expenditure budget of the Organization for any one financial year.

(5) Every invention made as a result of any project carried out under this Act shall be registered by the Organization in such form and upon such conditions as the Minister may, by regulations made under this Act, prescribe.

(6) The Organization may, with the prior approval of the Minister, grant to any person who makes an invention which the Organization considers important, or who materially assists or contributes to the making of that invention such reward as may be approved by the Board.

Co-ordination
of Projects
to be
carried out
outside
Tanzania

12.(1) Whenever any person desires to sponsor any project in engineering design or manufacturing to be carried out outside, or to make payments for the purposes or participating in such project outside the United Republic, he shall first submit his proposals in that behalf in writing to the Organization.

(2) Upon receipt of proposals submitted to it pursuant to subsection (1), the Organization shall hold consultations with the person who submitted the proposals, and on completion of those consultations the Organization shall make such decision in relation to the proposals as will, in the opinion of the Organization, serve the best interests of industrial development in Tanzania.

(3) Every decision made by the Organization under subsection (2) shall be binding upon every person affected by it, but if any of those persons is aggrieved by the decision of the Organization he may appeal to the Minister and the decision of the Minister on the matter shall be final.

(4) For the purposes of giving effect to the provisions of this section the Organization may, with the approval of the Minister, issue guidelines specifying the conditions to be observed in making proposals or specifying matters which the Organization shall take into consideration in making a decision under this section.

(5) The Minister may, by directions in writing under his hand, exempt any person or body of persons or any category of persons from the provisions of subsection (1).

Power of
Minister to
make
regulations

13.-(1) The Minister may, after consultation with the Board, make regulations the purposes of giving effect to the provisions of this Act.

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

- (a) requiring persons or bodies of persons specified in the regulations, engaged in engineering, designing, manufacturing or machinery adaptation to furnish to the Organization information relating to any aspect of their activities;
 - (b) prescribing the form and manner in which, and the period within which, any information required to be furnished or made available to the Organization under this Act shall be made available, to the Organization;
 - (c) prescribing the form of, and the procedure by which, proposals for sponsoring any project in engineering design or manufacturing intended to be carried out outside Tanzania, shall be made to the Organization;
 - (d) prescribing any other thing which under this Act is required or permitted to be prescribed.
- (3) Regulations made under this section shall be published in the *Gazette*.

PART IV

ADMINISTRATION FINANCIAL PROVISIONS

14.(1) The President shall appoint, upon, such terms and conditions as he may specify, a Director-General of the Organization who shall be the chief executive officer of the Organization.

Appoint-
ment of
employees

(2) The Board may from time to time appoint such number of other employees of the Organization as it may deem necessary for the proper and efficient conduct of the business and activities of the Organization.

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

Remuneration
of member
of Board

(2) No remuneration, fees or allowances, except such allowances for expenses as may be expressly authorized by the Minister, shall be paid to any member of the Board who, is a public officer.

16. Subject to any written law for the time being in force relating to pensions, the Board may-

Superannua-
tion benefits
Act, 1978
No. 14

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

Power of
Board to
delegate

17.-(1) Subject to subsection (4) the Board may, from time to time by instrument in writing under the seal of the Organization delegate to any committee of its members or to any employee of the Organization any of its functions or powers under this Act, and the delegated functions or power may be exercised by the delegate in accordance with the terms of the instrument of delegation.

(2) A delegation under this Section may be made to the holder of an office under the Organization specifying the office but not naming the holder, and in that case each successive holder of the office in question, and each person who occupies or performs the duties of that office, may, without any further authority, exercise the delegation function or power in accordance with the delegation made.

(3) The Board may at any time revoke a delegation made under this section, and no delegation so made shall prevent the Board from itself exercising the function or power delegated.

(4) The Board shall not, delegate-

- (a) its power of delegation-, or
- (b) the power to approve the annual budget, the annual balance sheet or any statement of accounts.

Funds of
the
organization

18. The funds and resources of the organization shall consist of-

- (a) such sums as may be provided by Parliament for the Purposes of the Organization',
- (b) such sums as the Organization may receive either in the form of contributions made pursuant to section 19 or as fees for services rendered by the Organization;
- (c) any sums or property which may, vest in the Organization in any other manner.

Minister
may
impose-
cess on
products
and
services

19.-(1) if the Minister considers it necessary in the public interest, he may, after consultation with the Minister for the time being responsible for finance, by Order published in the Gazette, impose cess payable to the Organization on products and services specified in the order, and any firm or organization producing the product or products or services specified in the order (hereinafter referred to as the "specified enterprise") shall pay to the Organization such amount of cess and in such manner as may be specified in the order.

(2) Every amount of cess required to be paid under subsection (1) shall be paid by the specified enterprise to the Organization, and the amount so payable shall be a debt due to the Organization and may be recovered from the specified enterprise as a civil debt by a suit at the instance of the Director-General or any person authorized by him in that behalf.

(3) Where any amount of cm is, due from any specified enterprise, the Director-General may file in a court of a Resident Magistrate having Jurisdiction over the area in which the specified enterprise carries on business, a certificate stating-

(a) the name and address of the specified enterprise from whom the amount is due; and

(b) the amount due,

and upon the certificate being lodged in court the certificate shall be deemed to be a plaint duly lodged under Order XXXV of the Civil Procedure Code, 1966, and the court shall proceed the matter in accordance with the provisions of that Order, and the event of a judgment being given in favour of the plaintiff the court shall pass a decree for payment by the defendant to the Organization of the amount found due together with interest on that amount at five per cent per month from the date on which the certificate was filed, until full payment.

(4) The provisions of subsection (3) shall apply notwithstanding that the amount involved exceeds the pecuniary jurisdiction of a court of a Resident Magistrate.

(5) Every certificate filed in a court of a Resident Magistrate pursuant to the provisions of subsection (3) shall, unless the contrary is proved, be conclusive evidence of the truth of the statements contained in that certificate.

20. For the proper performance of the functions of the Organization the Board shall, subject to any directions the Minister may give in that behalf, have power to charge fees for services, rendered by the Organization.

Power of Board to charges fees

21.-(1) The Board may, from time to time, with the approval of the Minister, invest any part of the money available in any fund of the Organization in such investments as are authorized Investments in relation to investments of funds by a trustee under the Trustee Acts Investments; Act, 1967.

Investment Acts, 1967 No. 33

22.-(1) The Board may, from time to time, with the approve of Minister, barrow monies for the purpose of the Organization bay way of loan or overdraft, and upon such security and such terms and condition relating to the repayment of the principal and the payment of interest as the Board may deem fit.

Power to borrow

(2) A person lending money to the Organization shall not be bound to enquire whether the borrowing of the money by the Board has been approved by the Minister.

23.-(1) Subject to subsection (2) "financial year" in this Act means any period not exceeding twelve consecutive months designated by the board as the accounting period the Organization.

Annual and supplementary budget

(2) The first financial year of the Organization shall commence on the date when this Act comes into operation and may be of a period longer or shorter than twelve months.

(3) Not less than two months before the beginning of every financial year (other than the first financial year) the Board shall, at a meeting, pass a detailed budget (in this Act called the "annual budget") of the amount respectively-

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Organization during that financial year, and whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.

(5) Forthwith upon passing any annual budget or any supplementary budget, the Board shall submit to the Minister for his approval the annual budget or, as the case may be, the supplementary budget.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget approve or disapprove it or may approve it subject to any amendments which he considers fit.

(7) Where the Minister approves any annual or supplementary budget, with or without amendment, the budget, as approved by him shall be binding on the Board which, subject to subsection (8), shall confine the disbursements of the Organization within the items and amounts contained in the applicable estimates as approved by the Minister.

(8) The Board may-

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that disbursement is not provided for in any budget;
- (b) adjust expenditure limits to take account of the circumstances not reasonably foreseeable at the time the budget was prepared subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Accounts
and audit

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

- (a) the receipt and expenditure of money by, and: Other financial transactions of, the Organization;
- (b) the assets and liabilities of the Organization,

and Shall cause to be made out for every financial Year a balance sheet showing the details of the income and expenditure of the Organization and all its assets and liabilities.

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Organization In respect of that financial Year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968. Acts. 1968 No. 1

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

25. The Board 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 the activities and operations of the Organization during that year and accompanied by- Annual report

- (a) a copy of the audited accounts of the Organization;
- (b) a copy of the auditor's report, if any, on the accounts; and
- (c) such other information as the Minister may direct.

26. The Minister shall, as soon as practicable after receiving them, lay before the National Assembly the audited accounts of the Organization together with the auditor's report on the accounts and the annual report of the Organization. Laying of accounts before National Assembly

GENERAL PROVISIONS

27. Without prejudice to the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts) Act, 1970, or of the Parastatal Employees Recovery of Debts) Act, 1974, no act or thing done or committed *bona fide* in the execution or purported execution of his duties as a member of the Board or as an employee of the Organization, shall subject him to any action, liability or demand of any kind. Protection from person liability Cap. 16 Acts, 1970 No. 7 Acts, 1974 No. 37

28. Where any order, direction or requirement made or given by the Minister or the Board 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: Notification of orders

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

SCHEDULE

(Section 5 (2))

- 1.**-(1) The Board of Directors shall consist of- Composition of Board
- (a) a Chairman, who shall be appointed by the President;
 - (b) the Director-General;
 - (c) not less than eight nor more than sixteen other members, who shall be appointed by the Minister;

	(2) The Board may appoint any employee of the organization to be the Secretary or the Board
Vice-Chairman	2. The members shall elect one of their number to be the Vice-Chairman of the Board, and any member elected as Vice-Chairman shall be 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.
Duty of Minister to appoint-able person	3. In making appointments of members of the Board, the Minister shall ensure that every person appointed by him is a person who, in his opinion, has the necessary experience or qualification to enable that person to make a useful contribution to deliberation of the Board and assist the Board in the performance of its functions.
Tenure of appointment	4.-(1) Subject to sub-paragraph (2), a member of the Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment. (2) In the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office. (3) Any member, other than a member referred to in sub-paragraph (2), at any time resign by giving notice in writing to the President or, as the case may be, to the Minister, and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the President or the Minister, he shall cease to be a member.
Casual vacancies	5. Where a member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remaining term of office of predecessor,
Meeting of the Board	6.-(1) The Board shall ordinarily meet for the transaction of its business at the times and at the places determined by it, but shall meet at least once every three months. (2) The Chairman, in his absence the Vice-Chairman, shall preside at every meeting of the Board, and shall call a special meeting upon a written request by a majority of the member in office. (3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board. In the absence of both the Chairman and the Vice-Chairman the members present shall appoint one of their number to preside over the meeting. (4) The Chairman, or in his absence the Vice-Chairman, may invite any person who is not a member to participate in the deliberations at any meeting of the Board, but any person so invited shall not be entitled to vote.
Quorum	7. The quorum at any meeting of the Board shall be half of the members in office.
Decisions of the Board	8.-(1) Questions proposed at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote in addition to his deliberative vote. (2) Notwithstanding sub-paragraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members, and the expression of the views of the majority of the members.
Minutes of meeting	9.-(1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each, meeting of the Board shall be read and confirmed, or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting.

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, the absence of proof of error, be doomed to be a correct record of the meeting whose minutes they purport to be

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

Vacancies
etc; not to
invalidate
proceeding

11. All orders, directions, notice or documents made or issued on behalf to the Board shall be signed.

(a) the Chairman of the Board; *or*

(b) the Director-General any other officer of the organization authorized in writing in the that behalf by the Director-General.

Orders,
directions
etc.

12. The seal of the Organization shall not be affixed to any instrument except the presence of the Chairman or the Vice-Chairman or the Director-General or some other officer of the Organization and at least member of the Board.

Seal of the
Organization

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

Board may
regulate its
proceedings

Passed in the National Assembly on the twenty-second day of July, 1980.



Clerk of the National Assembly