

THE UNITED REPUBLIC OF TANZANIA



No. 22 OF 1984

I ASSENT,
Julius K. Nyerere President
.....
..... 14th January, 1985.

An Act to provide for the continuance of the National Milling Corporation with certain modifications in the functions, management and control of the Corporation

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

WHEREAS the National Milling Corporation was established as a body corporate by the National Milling Corporation Act, 1975 to perform the functions specified in that Act:

AND WHEREAS after the re-establishment of the Co-operatives by the Co-operative Societies Act, 1982 it is in the national interest that the said National Milling Corporation have certain modifications in its functions and powers and provision be made for more efficient management and control of the Corporation:—

NOW THEREFORE BE IT ENACTED by the Parliament of the United Republic as follows:

PART I

PRELIMINARY

1. This Act may be cited as the National Milling Corporation Act, 1984 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint. Short title and commencement

2. In this Act unless the context requires otherwise:—

“appointing authority” in relation to any member of the Board, shall have the meaning assigned to that expression by paragraph 1 of the First Schedule to this Act;

“the Board” means the Board of Directors of the National Milling Corporation;

“the Corporation” means the National Milling Corporation;

“member” in relation to the Board, includes the chairman of the Board;

“Minister” means the Minister for the time being responsible for agriculture;

Acts, 1975
No. 11

- the repealed Act" means the National Milling Corporation Act, 1975 repealed by this Act;
- "sales" includes-
- (a) barter;
 - (b) agreement or contract to sell;
- "specified agricultural Produce" means any agricultural product specified in the Second Schedule to this Act.

PART II

NATIONAL MILLING CORPORATION

Continuance of the Corporation **3.**-(1) The National Milling Corporation established by the repealed Act shall continue in existence as a body corporate having perpetual succession and a common seat.

(2) The corporation shall in its corporate name, be capable of:-

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable; and
- (c) entering into contracts and doing or performing all such other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Board of Directors

4.-(1) There shall be a Board of Directors of the Corporation which shall, subject to the provisions of this Act, be responsible for the policy control and management of the Corporation.

(2) The provisions of the First Schedule to this Act shall have effect as to the composition of the Board, the appointment and termination of the appointment of its members; the proceedings of the Board and such other matters in relation to the Board and its members as are provided for therein.

(3) The Minister may, by Order in the *Gazette*, amend, vary or replace all or any of the provisions Of the First Schedule to this Act.

Functions of the Corporation

5.-(1) The functions of the corporation shall be-

- (a) in collaboration with the CO-operative Unions and the Ministry of Agriculture or any other person to estimate the food crop purchases;
- (b) to procure specified agricultural products from Co-operative Unions;
- (c) to mill grains;
- (d) to monitor the food situation in the country and to make necessary recommendations to the Government on any measures to be taken
- (e) to conduct and carry on, either on its own or in participation with any other person, the business of-
 - (i) manufactures and processors of such agricultural and other products as the Board may, from time to time, decide;
 - (ii) importers, exporters wholesale dealers and retailers of such merchandise as the Board may, from time to time, decide;

- (f) in collaboration with the Co-operative Unions the Ministry of Agriculture or any other person, to provide facilities for the inspection, classification and grading of the specified agricultural products;
 - (g) to acquire by agreement and hold interest in any company or firm carrying on business concerned directly or indirectly with the specified agricultural products;
 - (h) to establish branches within the United Republic or elsewhere;
 - (i) to manage the strategic Grain Reserve;
 - (j) to sell specified agricultural products to urban centres;
 - (k) in collaboration with the Co-operative Unions to be responsible for the transfer of specified agricultural products from one region to another region within the United Republic;
 - (l) to manage the affairs of and carry on the business of any firm the interests of which are vested in or acquired by the Corporation under the provisions of the repealed Act or which may be acquired by or become vested in the Corporation after the enactment of this Act, whether or not such business relates to the production, processing, manufacture or marketing of any specified agricultural product;
 - (m) to advance money on loan, give guarantees for the benefit of or provide management or other services to persons, companies or firms engaged in the production, processing, manufacture or marketing of any specified agricultural product;
 - (n) to do all such acts and things as, in the opinion of the Board may be necessary, desirable or expedient to uphold and support the credit of the Corporation and to obtain and justify public confidence, and to avert or minimize any loss to the Corporation;
 - (o) to do any thing or enter into any transaction which in the opinion of the Board is calculated to facilitate the proper and efficient carrying on of the Corporation's activities and the proper exercise of its functions under the provisions of this Act.
- (2) In doing any act or thing in the performance of the functions of the Corporation the Board shall have regard to --
- (a) the need to avoid shortages of the specified agricultural products;
 - (b) the need to ensure proper and efficient distribution and availability of the specified agricultural products to and within all parts of the United Republic;
 - (c) the need to ensure adequate and proper nutritional value in the specified agricultural products processed, manufactured or marketed by the Corporation.

6. The Minister may give to the Board directions of a general or specific character as to the performance by the Board or by the Corporation of its functions under this Act in relation to any matter appearing to the Minister to affect the national interest, and the Board shall give effect to every direction.

Minister may
give direc-
tions to the
Board

PART III

PRODUCTION AND MARKETING OF AGRICULTURAL PRODUCTS

Corporation's powers in relation to specified agricultural products

7.-(1) The Corporation shall have the powers specified in this part in relation to the milling, processing and marketing of the agricultural products specified in the Second Schedule to this Act.

(2) The Minister may, by order in the Gazette, amend, vary or replace the Second Schedule to this Act.

Regulation of production

8.-(1) The Corporation shall, in collaboration with the Co-operative Unions and with the consent of the Minister-

(a) give directions as to the purchase, distribution, storing, processing and marketing of any specified agricultural product within any area of Mainland Tanzania, and as to the timing of such operations;

(b) give orders that any such specified agricultural product be graded packed or marketed in such manner as the Corporation may direct.

(2) Any person to whom any order made or direction given under this section applied who purchases, distributes, processes, markets, deals with any specified agricultural product in contravention of any such order or direction shall be guilty of an offence.

Pricing of produce

9. The Minister may give the Board directions in writing as to-

(a) the matters which shall be taken into account in determining the price of any agricultural product Purchased by the Corporation or any other person pursuant to the provisions of section 8;

(b) the manner in which such price may be computed;

(c) the instalments by which such price shall be paid and every such direction shall be binding upon the Board and the Corporation.

Effect of compulsory marketing orders an existing contracts

10. No contract shall, unless any term thereof otherwise provides. be void or unenforceable by reason only that the performance of such contract or of any term of such contract would be in contravention of any order made under subsection (1) of section 9 of the repealed Act or of any directions given under subsection (2) of that section, and any party to such contract who sells or otherwise disposes of any specified agricultural product in accordance with terms of such contract shall be deemed to have been exempted from such order and directions in so far as it is necessary to enable him to fulfill the terms of such contract:

Provided that-

(a) the provisions of this section shall apply only in respect of contracts made before the date on which the order subsection (1) of section 9 of the repealed Act is published in the *Gazette*;

(b) the contract is registered in the prescribed manner with the Corporation within two months of the publication of such order aforesaid; and

- (c) the provisions of this section shall cease to apply to any such contract upon the expiration of twelve months from the date of such order, and the exemption conferred by this section shall thereupon terminate.

11. (1) Subject to subsection (2) no person other than the Corporation, or a person authorized in that behalf by a permit granted by the Corporation, shall export or import, out of or into Tanganyika, any specified agricultural product:

Import and export of specified agricultural products

Provided that the provisions of this subsection shall not apply in relation to *bona fide gifts or samples* exported or imported, in such quantities and manner, as the Board may, from time to time, specify by notice in the *Gazette*.

(2) The Corporation shall as and when directed by the Minister, issue a permit to any person to import or export any specified agricultural product, and may annex to any such permit such terms and conditions as it may deem fit.

(3) For the avoidance of doubts it is hereby declared that the restriction on import or export of specified agricultural products imposed by this section shall be in addition to, and not in derogation of, any restriction on import of such products imposed by or under any other written law.

12.-(1) Subject to the provisions of this section, the Corporation may, with the consent of the Minister and by order in the *Gazette*:-

- (a) prohibit the sale, purchase, hire or other disposition of any specified agriculture product, or any derivative of any such product, by any person other than the Corporation, its agents or holders of valid permits issued by the Corporation in that behalf, and regulate or control such dealings by any person not subject to any such prohibition;
- (b) prohibit the transport, storage or processing of any specified agricultural product or any derivative of any such product by any person other than the Corporation, its agents or persons registered with or authorized in writing in that behalf by the Corporation, and regulate or control such activities by any person not subject to any such prohibition;
- (c) prescribe the specifications to which any factory building or plant for the processing or storage of any specified agricultural product, or any derivative of any such product, may be erected and of any machinery installed in any such factory, the conditions upon which the same may be erected, installed, maintained and used, and the buildings in which such machinery may be housed;
- (d) require submission to the Corporation, or any person appointed in that behalf by the Corporation, of returns or information relating to production, stocks, processing, transport, purchase or sale of any specified agricultural product or its derivatives;
- (e) require that any specified agricultural product or its derivatives shall be stored in such conditions or manner as the Corporation or any person authorized in that behalf by the Corporation may direct.

Power of control relating to sale dealings transport storage products etc., of specified agricultural processing

(2) Notwithstanding the provisions of subsection (1) the Corporation shall not make any other prohibiting the retail, sale or offer for sale of the processed derivatives of any specified agricultural product for the consumption or use of the purchaser and household.

- (3) An order made under subsection (1) may-
- (a) prescribe the manner in which any permit or written authority may be applied for and the fees for such permits and authorities;
 - (b) make such exceptions and reservations as the Corporation may deem fit;
 - (c) prescribe penalties for any contravention of any provision thereof, not exceeding the fine of ten thousand shillings or imprisonment for a term not exceeding two years or both such fine and such imprisonment;
 - (d) make such other provisions necessarily incidental to the purposes for which the order is made.

Powers of
authorized
officers

13.-(1) An authorized officer may-

- (a) enter upon any land or premises upon or within which he has reason to believe that any specified agricultural product or any derivative thereof is being processed or stored and take samples of such product or derivative for the purpose of ascertaining whether or not the provisions of this Act or of any order, direction or regulations made or issued under this Act have been complied with;
- (b) inspect any process or other operation which is or appears likely to be carried out on or in any such land or premises in connection with the manufacture, processing or treatment of any specified agricultural product or any derivative of such product;
- (c) require from any person the production of any book, notice, record, list, permit or other document which is in the possession or custody or under the control of such person or of any other person on his behalf;
- (d) examine and copy any or any part of such book, notice, record, list, permit or other document which appears to him to have relevance to his inspection or inquiry, and require any person to give an explanation of any entry therein, and take possession of any such book, notice, record, list, permit or other document as he believes may afford evidence of an offence under this Act;
- (e) require information relevant to his inquiry from any person whom he reasonably believes to be or to have been employed on any such land or at any such premises or to have in his custody any such book, notice, record, list, permit or other document;
- (f) require the occupier of any land or premises used for the storage, processing or packing of any specified agricultural product or any derivative of such product, or require the person in charge of any vehicle used for the transport of any such product or derivative, to clean and disinfect the same.

(2) For the purposes of this section "authorized officer" means any officer of the Corporation or other public officer appointed in writing by the Corporation as an authorized officer for the purposes of this Act, and includes any police officer of or above the rank of sub-inspector.

(3) An authorized officer other than a police officer of or above the rank of sub-inspector, entering any land or premises under subsection (1) shall, if so required, produce the writing appointing him as an authorized officer and may be accompanied, if necessary, by an independent witness.

14. Any person who resists, hinders or obstructs an authorized officer acting pursuant to subsection (1) of section 13 or willfully fails to comply with any requirements made of him under the said subsection shall be guilty of an offence.

Obstruction
of autho-
rized officer

15.-(1) Any person convicted of an offence under this Act for which no specific penalty is provided shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding two years, or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine.

General
penalty

(2) On a second or subsequent conviction of any person for any offence under this Act, he shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand shillings, or to both such imprisonment and such fine.

16. Save where any order or direction made or given by the Corporation is required to be published in the *Gazette*, such order or direction shall be valid notwithstanding that it has not been published in the *Gazette* if the Corporation has taken reasonable measures to bring the contents thereof to the notice of persons likely to be affected thereby.

Orders and
directions
of the
corporation

PART IV

ADMINISTRATION AND FINANCIAL PROVISIONS

(a) Provisions relating to the Administration of the Corporation

17. On the recommendation of Board of Directors and advice of the Minister, the President shall appoint a General-Manager of the Corporation who shall be the principal executive officer of the Corporation.

General
Manager

18.-(1) The Board may, from time to time, and subject to such directions as the Minister may give in that behalf, appoint at such salaries and upon such terms and conditions as it may think fit, such other officers and employees of the Corporation as it may deem necessary for the proper and efficient conduct of the business and activities of the Corporation.

Appointment
of employees

(2) All employees of the Board appointed before the commencement of this Act shall continue in employment as if they were appointed under this Act.

19. The members of the Board shall be entitled to receive such remuneration allowances and other benefits as the Minister may direct.

Remunera-
tion
and allow-
ances of
Directors
and members
Gratuities,
superannu-
ation
benefits etc.

20.-(1) The Board may:-

- (a) grant gratuities or other retirement allowances or benefits to the officers and employees of the Corporation;
- (b) establish and contribute to a superannuation fund and a medical benefits fund for the officers and employees of the Corporation;

(c) require any officer or employee of the Corporation to contribute to any such superannuation fund or medical benefits fund and fix the amounts and method of payment of such contribution.

(2) Any superannuation benefits or medical scheme in operation immediately before the commencement of this Act shall continue in operation as if established under this section.

Agents and
contractors

21. The Board may, from time to time, appoint and employ upon such terms and conditions as it thinks fit such agents and contractors of the Corporation as the Board may deem necessary.

Delegation
of powers
by the
Board

22.-(1) Subject to subsection (6), the Board may from time to time by writing under the seal of the Corporation delegate, subject to such terms, conditions and restrictions as it may specify, to any committee of the Board or to any officer or servant of the all or any of the functions, powers, authorities or duties conferred by or under this Act upon the Board, and where any delegation is so made the delegated function, power, authority or duty may be performed or, as the case may be, exercised by the delegate subject to the terms, conditions and restrictions specified in writing.

(2) Any delegation under subsection (1) may be made to the holder of an office under the Corporation specifying the office but without naming the holder, and in every such case each successive holder to the office in question and each person who occupies or performs the duties of that office may, without any further authority, perform or, as the case may be, exercise the delegated function, power, authority or duty in accordance with the delegation made.

(3) The Board may revoke a delegation made by it under this section

(4) No delegation made under this section shall prevent the Board from itself performing or exercising the function, power, authority or duty delegated.

(5) Any delegation made under this section may be published in the *Gazette*, and upon such publication shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Board shall not have power under this section to delegate;

(a) its power of delegation; or

(b) the power to approve the annual budget or any supplementary budget of receipts and expenditure the annual balance sheet or any statement of account.

Authorized
capital

23.-(1) The authorized nominal capital of the Corporation shall be one hundred million shillings divided into six million shares each having a par value of one hundred thousand shillings each, to be held by the Treasury Registrar.

(2) The initial paid-up capital of the Board shall be one hundred shillings which shall be raised by the issue of fifty full paid-up shares allotted to the United Republic.

(3) No person other than the United Republic shall be entitled to hold any share in the Corporation.

24.-(1) Payment for the shares allotted to the United Republic under subsection (2) of section 23 shall (unless such payment has already been made) be made in such manner as the Minister and the Minister for the time being responsible for finance may agree.

Payment of
subscription

(2) Payment for any further share or shares issued by the Corporation and allotted to the United Republic shall be made in such manner as the Minister, after consultation with the Board and the Minister for the time being responsible for finance, may decide.

25. The funds and resources of the Corporation shall consist of-

- (a) the paid-up share capital;
- (b) the capital raised by the issue of any further share or shares;
- (c) such sums as may be provided by Parliament by 'way of loan or grant for the purposes of the Corporation;
- (d) any sums borrowed by the Corporation in accordance with the provisions of section 30;
- (e) any sums which may in any manner become payable to or vested in the Corporation as a result of the performance by the Corporation of its functions under this Act or any other written law.

Financial
resources

26.-(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Board:

Annual
and
supplemen-
tary budget

Provided that the first financial year after the commencement of this Act shall expire on the date on which the financial year of the Corporation would have expired had this Act not been enacted.

(2) Not less than two months before the beginning of any financial year (other than the first financial year after the commencement of this Act) the Board shall, at its meeting especially convened for that purpose, pass a detailed budget (in this Act called the annual budget) of the amounts respectively-

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

by the Corporation during that financial year.

(3) If in any financial year the Corporation requires to make any disbursement not provided for, or an amount in excess of the amount provided for in the annual budget for the year, the Board shall at a meeting, pass a supplementary budget detailing such disbursement.

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

(5) Forthwith upon passing of any annual budget or any supplementary budget the Board shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendment as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on the Corporation which, subject to the provisions of subsection (8), shall confine its disbursement within the items and the amounts contained in the budget as approved by the Minister.

(8) The Board may:-

- (a) with the sanction in writing of the Minister make a disbursement notwithstanding that such disbursement is not provided for in any budget;
- (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding fifty thousand shillings to any other item contained in such budget;
- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the budget was Prepared, subject to submitting a supplementary budget to the Minister within two months of such alteration of expenditure limits becoming necessary.

Reserve and special funds

27. The Board may, and shall, if so directed by the Minister, establish and maintain such reserve of funds of the Corporation as the Board of the Minister may consider necessary or expedient, and shall make into or from any such funds such payments as the Board may deem fit or, in the case of a fund established Pursuant to a direction by the Minister, as the Minister may direct.

Price stabilization Fund

28.-(1) Without prejudice to the generality of section 27, the Board shall establish and maintain a specified agricultural products Price Stabilization Fund.

(2) The Specified Agricultural Products Price Stabilization Fund shall consist of :-

- (a) such sum of money as may be allocated to that Fund by Resolution of the National Assembly;
- (b) such sum or sums as may accrue to that fund from time to time by way of interest or dividend.

Investment

29. With the prior approval of the Minister, after consultation with the minister for the time being responsible for finance, the Board may, from time to time, invest any part of the moneys available in any fund of the Corporation maintained by it in such manner as, subject to any directions of the, Board may deem fit.

Powers Of borrowing

30.-(1) With the prior approval of the Minister after consultation with the Minister for the time being responsible for finance; the Board may, from time to time, borrow moneys for the purposes Of the Corporation by way of loan or overdraft and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any direction by the Minister the Board deems fit.

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

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

Annual
report

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Corporation;
- (b) the assets and liabilities of the Corporation, and shall cause to be made out for every financial year a balance sheet together with a statement showing details of the income and expenditure of the Corporation and all its assets and liabilities.

(2) Not later than six months after the close of every financial year the accounts including the balance sheets, of the Corporation relating to that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

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

Act 1968
No 1

(4) As soon as practicable after receipt by him of the copy of the statement together with the copy of the report submitted pursuant to subsection (3) the Minister shall lay a copy of the statement together with a copy of the auditors' report before the National Assembly.

PART V

MISCELLANEOUS PROVISIONS

32. 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 omitted to be done, by any member of the Board of Directors or by any officer, servant or agent of the Corporation shall if done or omitted bona fide in the execution or purported execution of his duties as such member, officer, servant or agent, subject any such person to any action, liability or demand whatsoever.

Liability of
members
etc
cap 16
Acts 1974
No 37

33. The Minister may make regulations for carrying into effect the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may by such regulations-

Regulation

- (a) prescribe any thing which may be prescribed;
- (b) provide for appeals to himself against any decision or order of the Corporation.

PART VI

REPEALS AND SAVINGS

34.-(1) National Milling Corporation Act, 1975 is hereby repealed-

(2) Notwithstanding the repeal of the National Milling Corporation Act, 1975 the National Milling Corporation established by that Act shall continue in existence. and all the assets and liabilities of the Corporation

National
Milling
Corpora-
tion
Acts, 1975

immediately before the commencement of this Act shall continue to vest in or, as the case may be, subsist against the Corporation as if the National Milling Corporation Act, 1975 had not been repealed.

Conflict between orders etc of the Corporation and of any other agricultural Board

35. Where any specified agricultural product which is subject to the control and powers of regulation of the Corporation is also subject to any control or powers of regulation of any Board established under the Agricultural Products (Control and Marketing) Act, 1962 and there is any conflict between the orders, directions or other instructions.

FIRST SCHEDULE

(Section 30)

Composition of the Board

1.-41) The Board shall consist of:-

- (a) the Chairman who shall be appointed by the President;
- (b) following other members to be appointed by the Minister to represent-
 - (i) Ministry of Agriculture and Livestock Development;
 - (ii) Tanzania Railway Corporation;
 - (iii) Jumuiya ya WASHIRIKA (3 members);
 - (iv) Ministry of Finance and;

(p) not more than four other members to be appointed by the Minister.

(2) The members appointed under paragraph . h (1) (b), and (c) shall be persons who. in the opinion of the Minister are experienced in agriculture commercial or in financial matters; in public administration or in matters relating to economic planning or development.

(3) The Board may appoint any employee of the Board to be. the secretary of the Board of Directors.

Vice-Chairman

2 The members of the Board shall elect one of their number to be the Vice-Chairman of the Board and any member elected as Vice-Chairman shall. subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.

Tenure of

1-0) A member of the Board other than the General-Manager, shall, unless his appointment is sooner terminated by the appointing authority, or he ceases in any other way to be a member, hold office for the period specified by the appointing authority in the instrument of his appointment or, if no period is so specified, for a period of three years from the date of his appointment. and shall be eligible for re-appointment.

(2) Any member of the Board may at any time resign his office by giving notice in writing addressed to the appointing authority, 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 appointing authority, he shall cease to be a member.

Appointment -if temporary member

4. if any member of the Board, other than the General. Manager. is by reason of absence from the United Republic or illness or other sufficient cause unable to Perform his duties as a member of the Board, the appointing authority may appoint a temporary member in his place, and the temporary member shall hold office until the resumption of duty of the substantive member or until the term of office of the substantive member expires, whichever occurs first.

Meetings of the Board

5.-(1) The Board shall ordinarily meet for the transaction o! business at the times and at the places decided upon by the Board, but shall meet at least once every three months

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

SCHEDULE -(contd-)

(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 a member from amongst themselves to preside over the meeting.

6. The quorum at a meeting of the Board shall be half.

Quorum

7.-(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.

Decisions of the Board

Notwithstanding sub-paragraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members of the Board, and the expression of the views of the majority of the members of the Board in writing, but any member shall be entitled to require that the decision be deferred and the subject-matter be considered at a meeting of the Board.

8. The Board shall cause to be recorded and kept minutes of all proceedings of its meetings, and the minutes of each meeting of the Board shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting.

Minutes of the meetings

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

Vacancies etc, not to invalidate proceedings Execution of contracts etc.

10.-(1) The application of the official seal of the Board shall be authenticated by two signatures, namely-

- (a) the signature of the Chairman of the Board or some other member of the Board, other than the General-Manager, authorized by the Board in that behalf -, and
- (b) the signature of the General-Manager or some other employee of the Authority authorized by the Board to act for that purpose in place of the General-Manager.

(2) Any instrument or contract which if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Authority by the General-Manager or any other member of the Board if that member has previously been authorized, either specifically or generally by resolution of the Board, to execute or enter into that particular instrument or contract or that class of instruments or contracts.

(3) Every document purporting to be a document executed or issued by or on behalf of the Authority and to be-

- (a) sealed with the official seal of the Authority authenticated in the manner provided by sub-paragraph (1); or
- (b) signed by the General-Manager or by a member of the Board authorized in accordance with sub-paragraph (2) to act for that purpose, shall be deemed to be so executed or issued until the contrary is proved.

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

Board may regulate its own proceedings

SECOND SCHEDULE

SPECIFIED AGRICULTURE PRODUCTS

- 1. Maize.
- 2. Paddy.
- 3. Rice.
- 4. Beans.
- 5. Sorghum.

SECOND SCHEDULE—(contd.)

- 6. Wheat.
- 7. Cassava.
- 8. Finger Millet.

Passed in the National Assembly on the First day of November,
1984.


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Clerk of the National Assembly