

THE UNITED REPUBLIC OF TANZANIA



No. 18 OF 1984

I ASSENT,

Julius Nyerere President

14th January, 1985

An Act to establish the Tanzania Coffee Marketing Board, to replace the Coffee Authority of Tanzania, to repeal the Coffee Industry Act, 1977, to provide for the functions of the Board and for other matters incidental to and connected with the Board

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY

1. This Act may be cited as the Coffee Marketing Board 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.—(1) In this Act, unless the context requires otherwise—
“the Board” means the Tanzania Coffee Marketing Board established by section 3; Interpretation

“the Board of Directors” means the Board of Directors of the Board established by section 5;

“coffee” means cherry, dried cherry, berries or beans or parts of berries or beans of the coffee species and includes clean coffee, parchment coffee, lights, triage, buni and hulled buni;

“the Director” means the officer in the Ministry for the time being responsible for agriculture who is in charge of the Department for the time being responsible for technical and extension services;

“effective date” means the date of commencement of this Act;

“grower” means any person who grows coffee;

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

“processing” with its grammatical variations and cognate expressions means to subject coffee in any form to any process which materially changes the coffee in substance, character or appearance.

(2) The terms "buying" and "selling" include an offer to buy or, as the case may be, an offer to sell, and also any transaction whereby the property in the article in question may in future pass to the buyer.

PART II

THE TANZANIA COFFEE MARKETING BOARD

Establish-
ment
atom
Board

3.-(1) There is hereby established a board to be known as the Tanzania Coffee Marketing Board.

(2) The Board 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;
- (c) subject to this Act, be capable of holding, purchasing or otherwise acquiring and of disposing of, any movable or immovable property for the purposes of carrying out the functions conferred upon it by or under this Act or any other written law.

Functions
of the Board

4.-(1) The functions of the Board shall be-

- (a) to undertake the marketing and exportation of coffee;
- (b) to advise the Government on all matters affecting coffee production and its marketing;
- (c) to co-operate in the promotion of the marketing of coffee within the framework of any international organization or agreement concerned with such matters.

(2) In particular, and without prejudice to the generality of subsection (1), and subject to any special or general directions of the Minister, the Board may-

- (a) regulate the marketing of coffee and its by-products for use within the United Republic;
- (b) give financial or other support to research relating to the production of coffee and undertake research in the processing uses and marketing of coffee and its by-products;
- (c) acquire by agreement and hold interests in any company or firm carrying on business concerned directly or indirectly with coffee or its by-products;
- (d) manage and continue the business of any public corporation or any firm whose interests are vested in or acquired by the Board under this Act whether or not that business relates to coffee or its by-products;
- (e) subject to this Act and to any regulations relating to licensing made by the Minister under section 37, issue licenses to persons for purposes connected with the processing of coffee, the production of any by-product of coffee or any other dealings in coffee;
- (f) do all such acts and things as, in the opinion of the Board of Directors, may be necessary to uphold and support the credit of the Board, to obtain and justify public confidence, and to avert or minimize loss to the Board;

(g) do anything or enter into any transaction which, in the opinion of the Board is calculated to facilitate the proper exercise of the functions of the Board under this Act.

(3) For the purposes of carrying out its functions, the Board shall be deemed to be the holder of each and every licence, permit and other authority which may be required by or under this Act in relation to any matter connected with the marketing or processing of coffee.

5.-(1) When any order is made or any directions are given by the Board under this Act the Board of Directors shall convey or cause to be conveyed the contents of the order or directions to the persons concerned in such manner as the Board of Directors may from time to time determine; save that all persons shall be deemed to have notice of the contents of every order and all directions published in the *Gazette*.

Orders and directions of the Board

(2) Any person who contravenes or fails to comply with any order or directions made or given by the Board shall be guilty of an offence.

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

Minister may give directions to the on export of coffee

PART III

MARKETING AND EXPORT OF COFFEE

7.-(1) No person other than the Board, a person or body of persons designated in that behalf by the Board shall export any coffee or coffee products.

Boards of Restriction on export of coffee

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding five years, or both that fine and imprisonment.

8.-(1) The Board may, by notice in writing, require any person to furnish to it returns or information pertaining to production, stock, manufacture, processing, storage, transportation, purchase or sale of coffee or any article used in the manufacture of any coffee product.

Return and information

(2) Every notice under this section shall specify the subject matter of the return or information required and the period within which, and the manner in which, the return or information shall be made or given.

(3) Any person to whom a notice under this section is given and who-

(a) fails to make the return or to give the information within the time or in the manner specified in the notice; or

(b) makes a return or gives information which is false or misleading in any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

PART IV

ADMINISTRATION OF THE BOARD

- Appointment of employees
- 9.**-(1) The President shall, upon the recommendation of Board of Directors and the advice of the Minister, appoint a General-Manager of the Board who shall be the chief executive officer of the Board.
- (2) The Board may from time to time appoint, at such salaries and upon such terms and conditions as it may determine. such number of other employees of the Board as it may deem necessary for the proper and efficient conduct of the business and the activities of the Board.
- Transfer of employees of the Boards
- 10.**-(1) The Board may transfer any employee of the Board to the employment of a subsidiary company of the Board or may transfer any employee of a subsidiary company of the Board to the employment of the Board or to the employment of the other subsidiary company of the Board.
- (2) Where an employee is transferred under this section:-
- (a) he shall, as from the date of his transfer, be deemed to be an employee of the subsidiary company or of the Board or, as the case may be, of the other subsidiary company, to which he is transferred;
- (b) the terms and conditions of service applicable to him after the transfer shall not be as favourable than those which were applicable to him immediately before the transfer and for the purposes of determining any right to gratuity or any other superannuation benefit, his service with the Board or, as the case may be, the subsidiary company to which he is transferred, shall be regarded as continuous with his service immediately preceding the transfer; and
- (c) his employment immediately prior to his transfer and his employment after the transfer shall be deemed to be continuous employment by one employer with the meaning of section 8A of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of that section.
- Cap. 497
- Remuneration of members of the Board
- 11.**-(1) Subject to subsection (2), the members of the Board 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.
- (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.
- Superannuation benefit
- 12.** The Board may:-
- (a) grant gratuities or other retirement allowances or benefits to the employees of the Board;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Board;

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

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

Power of
Board to
delegate

(2) A delegation under this section may be made to the holder of an office under the Board specifying the office but without 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 delegated 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 made under this section shall prevent the Board from itself exercising the function or power delegated.

(4) The Board shall not delegate:-

- (a) its power to delegate; or
(b) the power to approve the annual budget or any supplementary budget, the annual balance sheet or any statement of account.

PART V

FINANCIAL PROVISIONS REGULATING TO THE BOARD

14. The funds and resources of the Board shall consist of :-

- (a) such sums as may be provided by Parliament for the purposes of the Board;
(b) such sums as the Board may, from time to time, borrow in accordance with this Act;
(c) any sums or property which may become payable to the Board under this Act or any other written law or which may vest in the Board in any manner in the performance of its functions.

Funds of
the Board

15.-(1) With the prior approval of the Minister and with the consent of the Minister for the time being responsible for finance, the Board of Directors may, from time to time, obtain loans and other credit facilities from any person for the purposes of the Board upon such terms and conditions relating to the repayment of the principal and the payment of interest as subject to any directions by the Minister, it may deem fit.

Power to
raise and
guarantee
loans

(2) The Board of Directors may, if it is of the opinion that the public interest so requires, and subject to the approval of the Minister, guarantee the repayment of a loan and the payment of interest on a loan made to any person engaged in the cultivation or production of coffee or engaged in the processing or marketing of coffee or coffee products.

(3) A person giving a loan or credit facility to the Board or, as the case may be, giving a loan to any person the repayment of which is guaranteed by the Board shall not be bound to enquire whether the Board has obtained the approval of the Minister for the purposes of that loan or other credit facility or the guarantee.

- Boards to have share capital
- Treasury Registrar to hold the shares on behalf of the Government cap 418
- Shares issued to Treasury shall be deemed fully paid up
- Shares certificate
- Reserve and special fund
- Establishment of coffee Price Stabilization Fund
- 16.**-(1) The share capital of the Board shall be 150,000,000 shillings divided into 1,500,000 ordinary shares of one hundred each.
- (2) The Board shall issue to the Treasury Registrar all the shares issued by it.
- 17.** The shares vested in the Treasury Registrar by virtue of the provisions of this Act shall be held by the Treasury Registrar on behalf of the Government of the United Republic in accordance with the provisions of the Treasury Registrar Ordinance.
- 18.** The shares vested in the Treasury Registrar by the operation of this Act shall be deemed to be fully paid up shares.
- 19.** The Board shall, as soon as may be practicable after the vesting date and without any undue delay issue to the Treasury Registrar share certificates for the shares required by this Act to be vested in the Treasury Registrar.
- 20.** The Board of Directors may, and shall, if so directed by the Minister, establish and maintain such reserve or special funds of the Board as the Board or the Minister may consider necessary or expedient, and shall make into or from any such fund 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.
- 21.**-(1) Without prejudice to the generality of section 20 the Board shall establish and maintain a Coffee Price Stabilization Fund.
- (2) The Coffee Price Stabilization Fund shall consist of-
- (a) such sum or sums 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.
- (3) (a) Subject to the provisions of paragraphs (b), (c) and (d) of this subsection, the Coffee Price Stabilization Fund may be applied by the Board for the maintenance of prices to be paid for coffee beans under the provisions of this Act and shall not be applied to any other purpose;
- (b) the Board may, from time to time, invest any sums standing to the credit of the Coffee Price Stabilization Fund in securities approved either generally or specifically by the Minister, and may from time to time with like approval sell any or all of such securities;
- (c) the Board may make loans to the Government of the United Republic and the said Government may receive loans out of the Coffee Price Stabilization Fund upon such terms as may be agreed between the Board and the Minister;
- (d) the Board may make loans out of the Coffee Price Stabilization Fund to such person or persons and on such terms as it may deem fit;

Provided that no such loan shall be made without the prior approval of the National Assembly signified by resolution unless-

- (a) such loan is made to a co-operative society engaged in the marketing of coffee; and
- (b) does not either in itself or together with any other loan or loans made to the same co-operative society, exceed one hundred thousand shillings;
- (c) the National Assembly may from time to time on application being made by the Board in that behalf allocate to the Board from the Coffee Price Stabilization Fund such sum or sums as it may think fit and any sum or so allocated shall form part of these funds and resources of the Board.

22. With the prior approval of the Minister, given after consultation with the Minister for the time being responsible for finance, the Board of Directors may, from time to time, invest any part of the moneys available in any fund of the Board maintained by it in such manner as the Board may deem fit. Investment

23. With the prior approval of the Minister and with the consent of the Minister for the time being responsible for finance, the Board of Directors may, from time to time, borrow moneys for the purposes of the Board 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 subject direction by the Minister, the Board may deem fit. Power to borrow

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

24.-(1) Subject to subsections (2), "financial year" in this Act means any period not exceeding twelve consecutive months designated by the Board of Directors as the accounting period of the Board. Annual and supplementary budget

(2) Not less than two months before the beginning of every financial year (other than the first financial year) the Board of Directors shall, at a meeting 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 Board during that financial year, and whenever circumstances so require, the Board of Directors may pass a supplementary budget in any financial year.

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

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

(5) The Minister shall, upon receipt of the annual Budget or any supplementary budget, approve or disapprove it or may approve it subject to such amendment as he may consider fit.

(6) 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 of Directors which, subject to subsection (7), shall confine the disbursements of the Board within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Board may:

- (a) with the sanction in writing of the Minister, make disbursement notwithstanding that disbursement is not provided for in any budget;
- (b) adjust expenditure limits to take account of 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 the expenditure limits becoming necessary.

Accounts
and audit

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

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Board,
- (b) the assets and liabilities of the Board,

and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Authority and all its assets and liabilities.

(2) At least once in every financial year the accounts including the balance sheet of the Board shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts 1968
No. 1

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

(4) Every such audited balance sheet be placed before a meeting of the Board of Directors and, is adopted by the Board shall be endorsed with a certificate that it has been so adopted.

(5) As soon as may be practicable after the receipt by him of the statement of accounts together with the report thereon submitted pursuant to subsection (3) the Minister shall lay a copy of same before the National Assembly.

Annual
Report

26.-(1) The Board shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report dealing generally with the activities and operation of the Board during that year. The report shall be accompanied by-

- (a) a copy of the audited accounts of the Board, together with the auditor's report, if any, on the accounts;
- (b) a statement of all directions given by the Minister to the Board under this Act during that year;
- (c) such other information as the Minister may direct.

(2) The Board shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing reasonably request from time to time.

(3) The Minister shall, as soon as practicable after receiving them, lay before the National Assembly the audited accounts, of the Board together if any, on the accounts and the annual report of the Board.

27.—(1) The Minister may, after consultation with the Minister for the time being responsible for finance and with the Board of Directors, by order in the *Gazette*, impose a levy on coffee or any category of coffee or any category of coffee produced or processed in the United Republic. Power to impose levy

(2) Levy imposed under this section shall be computed and collected at such rate and in such manner as may be prescribed by regulations made under this Act and shall form part of the financial resources of the Board.

PART VI

GENERAL PROVISIONS

28. 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 employee of the Board shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Board of Directors or an employee of the Board subject him to any action, liability or demand of any kind. Protection of members of the Board, etc., 1970 Acts, Cap. 16 No. 7 Acts, 1974 No. 37

29.—(1) Subject to any regulations made in that behalf, if any police officer of or above the rank of Sub-Inspector or any other person authorized in that behalf in writing by the Board reasonably suspects that any coffee is being or has been dealt with in contravention of this Act or of any regulations, order, directions or requirement made, given or issued under this Act, he may— Power to search

- (a) stop or enter and search any vehicle or vessel used for the transportation of coffee; or
- (b) enter and search any place used for the cultivation production, processing, storage or manufacture of coffee; or
- (c) enter and search any premises in which any books or documents used in connection with any transactions relating to coffee are kept, for the purpose of investigating any offence under this Act, and may examine, weigh or measure any coffee he may find and take copies of any books or documents or make extracts from them.

(2) Any person who resists or obstructs any police officer or any other authorized person in the exercise of his powers under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

30. Any person who commits any offence under this Act or under any subsidiary legislation made under it and in respect of which no specific penalty is provided, shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment. General penalty

Forfeiture	<p>31.-(1) Where any court convicts any person of an offence under this Act or under any subsidiary legislation made under it, the court may, in addition to any penalty it may impose, that the coffee in respect of which the offence has been committed be forfeited to the Board.</p> <p>(2) Any coffee forfeited under this section shall be delivered to the Board and shall vest in the Board free of any mortgage, charge, lien or other encumbrance of any kind.</p>
Where offence Committed by body Corporate	<p>32. Where any offence under this Act or subsidiary legislation made under it is committed by a body corporate then, as well as the body corporate; any person who, at the time of the commission of the offence, was concerned, as a director or an officer, with the management of the affairs of the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of the commission of the offence.</p>
Liability of employee of principal	<p>33. Where an offence under this Act or any subsidiary legislation made under it is committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of the commission of the offence.</p>
Notification of Order and directions	<p>34. Where any order or direction made or given by the Minister, nit; Director or the Board under this Act is not required to be published in <i>the Gazette</i>, the order or direction shall be brought to the notice of persons affected or likely to be affected thereby in any manner determined by the Minister, the Director or, as the case may be, the Board:</p> <p>Provided that if the order or direction is published in the <i>Gazette</i>, all persons shall be deemed to have notice of it.</p>
Burden of proof	<p>35. In any proceedings for an offence under this Act the burden to prove that the order, direction or requirement, the contravention of which constitutes the offence with which the accused is charged, does not apply to the accused or, in the case of an order, direction or requirement not published in the <i>Gazette</i>, that he had no notice of the contents of the order, direction or, as the case may be, requirement, shall lie on the accused.</p>
Exemption	<p>36. The Minister or, with the approval of the Minister, the Board may exempt any person, or category of persons or any coffee or class of coffee from the application of all or any of the provisions of any regulation, order, direction or requirement made, given or issued under this Act in the exercise of their respective powers.</p>
Regulations by the Minister	<p>37.-(1) The Minister may make regulations for the better carrying out of the objects and provisions of this Act.</p> <p>(2) Without prejudice to the generality of the power conferred by sub-section (1), the Minister may make regulations.-</p>

- (a) providing for the conduct of the business of the Board and of the Board;
 - (b) providing for the appointment by the Board of Directors of Committees of the Board to which persons who are not members of the Board of Directors may be co-opted;
 - (c) providing for the duties of the General-Manager;
 - (d) prescribing the conditions and terms upon which any specified facilities or services within the scope of the functions of the Board shall be provided to growers, coffee processors, and other members of the public;
 - (e) providing for the prohibition or control of the importation or export of coffee;
 - (f) providing for the control and regulation of the purchase, sale and processing of coffee;
 - (g) providing for the proper management, control and administration of the Board, and providing for and regulating discipline amongst the employees of the Board;
 - (h) prescribing anything which is required or permitted to be prescribed under this Act; and providing for any other matter which, in the opinion of the Minister, is necessary to provide for the efficient performance of the functions of the Board.
- (3) Regulations made under this section shall be published in the *Gazette*.

PART VII

DISSOLUTION OF COFFEE AUTHORITY OF TANZANIA AND INCIDENTAL PROVISIONS

38. In this Part and in Part VIII unless the context requires otherwise "the Coffee Authority, means the Coffee Authority of Tanzania established by the Coffee Industry, 1977.

39.(1) With effect from the effective date the Coffee Authority of Tanzania shall be deemed to have been dissolved.

(2) With the effect from the effective date as the Minister determines, the assets and liabilities of the Coffee Authority of Tanzania shall vest in such person or body of persons as the Minister shall, after consultation with the Minister for the time being responsible for finance, prescribe.

(3) The Minister shall, not later than twelve months from the effective date, by order published in the *Gazette*, specify the manner and the person or body of persons in which, and the date upon which any asset or liability of the Coffee Authority shall be vested.

40.-(1) Every instrument specified under subsection (2) and to which that subsection applies shall, by virtue of this section continue in full force and effect and the Board shall-

Construction
Acts, 1977
No 5
Dissolution
of the coffee
Authority of
Tanzania
audit and
transfer
of assets
and liabilities

Effect of
dissolution
of coffee
Authority

- (a) be substituted for the Coffee Authority of Tanzania as a party to the instrument;
- (b) be entitled to receive, and enforce payment of, any money payable under the instrument;
- (c) be entitled to obtain transfer, conveyance or assignment of, and enforce possession of any property which is to be transferred, conveyed or assigned under the instrument;
- (d) be liable to make payment of any money payable under the instrument;
- (e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned under the instrument,

as the case may be.

(2) This subsection applies to instruments (including contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities-

- (a) to which the Coffee Authority of Tanzania;
- (b) under which any money is or may become payable or any other property is to be or may become, liable to be transferred, conveyed or assigned, by the Coffee Authority of Tanzania,

which are subsisting at the effective date or come into existence after that date.

(3) Every reference in any written law to the Coffee Authority of Tanzania shall be construed as a reference to the Board.

PART VIII

REPEAL AND CONSEQUENTIAL PROVISIONS

41.-(1) The Coffee Industry Act, 1977, is hereby repealed.

(2) Every licence issued to any person under the Coffee Industry Act, 1977 entitling him to deal in any manner in coffee shall from the effective date, be deemed to have been revoked.

Repeal of
Acts, 1977
No. 5

Savings

42. Notwithstanding the repeal of the Coffee Industry Act, 1977-

- (a) all directions given by the Coffee Authority and all rules made by the Minister under the Coffee Industry Act, 1977 which are in force on the effective date shall be deemed to be directions given by the Board or, as the case may be, rules made by the Minister under this Act, and shall remain in force until revoked by directions given or regulations made under this Act:

Provided that this paragraph shall not apply to any directions or rules relating to licences for dealing in coffee or relating to the imposition or collection of levy;

- (b) every compulsory marketing order made by the Coffee Board under the Coffee Industry Act, 1977 which is in force on the effective date shall be deemed to be a compulsory marketing order made by the Board under this Act and shall remain in force until revoked or replaced by an order made under this Act.

43.-(I) Notwithstanding any provision contained in this Act to the contrary, the Minister may, on the recommendation of the Board and upon being satisfied that special circumstances exist which make it just and equitable to (to so, permit any person who was licensed under the Coffee Industry Act, 1977, to deal in any manner in coffee to continue his dealings, after the effective date upon such conditions as the Minister may prescribe; save that the power conferred upon the Minister by this section shall not be exercised after the expiration of six months from the effective date.

(2) The Minister may, by order in the Gazette, at any time before the expiry of twelve months from the effective date, make such consequential, transitional or supplementary provisions as he may consider necessary consequent upon the repeal of the Coffee Industry Act, 1977, or for facilitating the more effectual assumption by the Board of the assets and liabilities of the Coffee Authority.

—————
SCHEDULE
—————

(Section 5(2))

1.-(1) The Board, shall consist of-

- (a) a Chairman, who shall be appointed by the President;
- (b) a representative of the Ministry for the time being responsible for agriculture;
- (c) three members nominated by WASHIRIKA;
- (d) a representative of the Ministry for the time being responsible for finance;
- (e) a representative of the Ministry for the time being responsible for communications and transport;
- (f) five other member appoint of the Minister one of whom shall be a prominent coffee grower.

Composition
of the Board

(2) The members appointed under paragraph I (1) (a), (c), (d), (e) and (f), shall be person who, in the opinion of the Minister, are experienced in the production or marketing of coffee products. Of coffee, in financial matters, in public administration or in matter relating to economic planning or development.

Vice
Chairman

(3) The board may appoint any employee of the Board to be the Secretary of the Board.

2. The members of the Board shall elect one of their number to be the Vice-Chairman of the Board and any member effected 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
appointment

3.-(1) A member of the Board, shall, unless his appointment is sooner terminated by the appointing authority, or he ceases 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.

4. if any member of the Board, 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

Appoint-
ment of
temporary
member

	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	<p>5. - (1) The Board shall ordinarily meet for the transaction of business at the until times and at the places decided upon by the Board, but shall meet at least once every three months.</p> <p>(2) The Chairman, or in his absence the Vice-Chairman, may at any time call by special meeting of the Board, and shall call a special meeting upon a written request a majority of the members of the Board in office.</p> <p>(3) The Chairman, or in his absence the Vice-Chairman- shall preside a 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.</p>
Quorum	6. The quorum at a meeting of the Board shall be seven.
Decisions of the Board	<p>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.</p> <p>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.</p>
Minutes	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.
Vacancies, invalidate proceedings	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.
Execution of contract, etc	<p>10.-(1) The application of the official seal of the Board shall be authenticated , by two signatures, namely-</p> <p>(a) the signature of the Chairman of the Board or some other member of the other than the General-Manager, authorized by the Board in that behalf; and</p> <p>(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.</p> <p>(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 Board 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.</p> <p>(3) Every document purporting to be a document executed or issued by or on behalf of the Board and to be-</p> <p>(a) sealed with the official seal of the Board authenticated in the manner provided by sub-paragraph (1); or</p> <p>(b) signed by the General-Manager or by a member of the Board Authorizes 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.</p>

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

Passed in the National Assembly on the Thirty-first day of October, 1984.


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Clerk of the National Assembly