

THE UNITED REPUBLIC OF TANZANIA



No. 4 OF 1986

I ASSENT,

[Signature]

.....
President

24/8/86
.....

An Act to provide for the Dissolution of the Tanzania Livestock Development Authority to repeal the Tanzania Livestock Development Authority Act, 1974 and to provide for matters connected with that purpose.

ENACTED by the Parliament of the United Republic of Tanzania

[.....]

1. This Act may be cited as the Tanzania Livestock Development Short title Authority (Dissolution) Act, 1986.

2. In this Act unless the context requires otherwise—

“the Act” means the Tanzania Livestock Development Authority Act, 1974.

Interpreta-
tion
Act, 1974
No. 13

“the Authority” means the Tanzania Livestock Development Authority;

“effective date” means the date appointed by the Minister to be the effective date.

“the Minister” means the Minister for the time being responsible for livestock development.

3. The Authority is, as from the effective date, dissolved.

4.—(1) Subject to the provisions of this Act, the undertakings, assets and liabilities which immediately preceding the effective date were under takings, assets and liabilities of the Authority shall, as from the effective date, vest in the Government.

Dissolution
of
Authority
Vesting
assets and
liabilities

date, by virtue of this Act and without further assurance, vest in such parastatal organisation or institution as the Minister shall, in consultation with the Minister for the time being responsible for Finance, approve.

(2) On the effective date the Authority shall deliver to such persons or authority as the Minister may appoint in that behalf possession of the movable properties vested by this Act in a parastatal organization or institution, including, without prejudice to the generality of the foregoing, all books, papers, documents, minutes and ledgers relating to the Authority and its operations.

(3) Where immediately preceding the effective date the Government of the United Republic was liable under any agreement to any person as a guarantor, surety or for the performance of any act by the Authority and, by virtue of the operation of the provisions of the Act, the United Republic succeeds, as a principal, to the liability of the Authority to the same person, such person shall, in the event of seeking remedy for a default, elect whether to pursue his remedy against the Government of the United Republic as a guarantor, or as the case may be, surety, or against the Government of the United Republic as a principal, and where he elects to pursue his remedy against the Government of the United Republic in the one capacity, the liability of the Government of the United Republic in the other capacity shall be extinguished.

Instruments

5.—(1) All instruments to which the Authority is a party shall with effect from the effective date and, by virtue of this Act, continue in full force and effect as if the United Republic was submitted for the Authority as a party thereto, and all the rights and liabilities of the Authority under every such instrument shall vest in the United Republic.

(2) Where in any instrument the Authority is not a party but reference is made to the Authority, every such reference shall be construed as if it was a reference to the United Republic.

(3) For the purposes of this section “instruments” means any Act, subsidiary legislation, contract, guarantee, agreement (including agreement concluded by exchange of letters), bond, authority, mortgage, charge, bill of exchange, promissory note, bank draft, bank cheque, letter of credit or other security or instrument whatsoever, but does not include any agreement or contract entered into between the Authority and any of its employees.

Construction and transitional provisions

6.—(1) Nothing in this Act shall be construed—

- (a) as creating in favour of or against the United Republic or any other person, any right or liability under any instrument to which section 5 applies which is not a right or liability conferred or imposed by or under such instrument;
- (b) as receiving in favour of or against the United Republic or any other person, any right or liability conferred or imposed upon the Authority or such other party under any such instrument which ceased to be legally enforceable prior to the effective date;
- (c) as reviving against the United Republic or any other person any liability or obligation to which this Act applies and which ceased to be legally enforceable prior to the effective date.

(2) Any suit, action or other proceeding by or against the Authority which is, at the effective date, pending in respect of any asset or liability transferred to an organization or institution by this Act or under any instrument to which section 5 applies, may be instituted or continued and completed by or against that organization or institution, notwithstanding any provision to the contrary in the Government Proceedings Act, 1967. Cap. 5

(3) Notwithstanding any provision to the contrary in this Act and Act 1967 subject to the Government Proceedings Act, 1967, or any other written law, any suit, action or other proceeding instituted by or against the Authority before the effective date and pending on such date may, where such suit, action or other proceeding relates to an instrument the rights or obligations under which have not by the provisions of section 5 been transferred to the United Republic, be continued and completed by or against the United Republic as if such instrument was an instrument, the rights or obligations under which has been transferred to the United Republic by this Act. No. 16

(4) Where any right under an instrument, the rights under which have not been transferred to the United Republic accrues to the Authority at the effective date, or would have accrued to the Authority after the effective date had this Act not been enacted, the United Republic may enforce such rights as if the instrument were an instrument the rights and obligations under which had been transferred to the United Republic under this Act, save that nothing in this subsection shall be construed as conferring upon any person the right to enforce against the United Republic any obligation of the Authority under any such instrument save as a counter-claim in any suit or proceeding under this subsection.

(5) For the avoidance of doubt and without prejudice to any other provision of this Act, it is hereby declared that the United Republic shall have and may exercise all such powers necessary or expedient to take possession of and recover any property, to ascertain, perform and enforce any right, and to discharge any liability or obligation conferred or imposed upon it by virtue of this Act, and to deal therewith, as the Authority would have had and could have exercised had this Act not been enacted.

7. The Tanzania Livestock Development Authority Act, 1974 is hereby repealed.

Passed in the National Assembly on the fifteenth day of April, 1986.

.....*M. M. Winkler*.....
~~As~~ Clerk of the National Assembly