

THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1989

I ASSENT,

[Signature]

President

21st May 1989

An Act to provide for the Dissolution of the Tanzania Agricultural Research Organization 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 Agricultural Research Organization (Dissolution) Act, 1989 Short title

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

“the Act” means the Tanzania Agricultural Research Organization Act, 1980; Acts 1980
No. 3

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

“designated institute” means an institute designated under this Act;

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

“the Organization” means the Tanzania Agricultural Research Organization;

“research institute” means any institute established for the purpose of carrying out agricultural research for any zone of the United Republic and includes a centre established for that purpose.

Dissolu-
tion

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

Organiza-
tion vest-
ing assets

4.—(1) Subject to the provisions of this Act, the undertakings, assets and liabilities which immediately preceding the effective date were undertakings, assets and liabilities of the Organization shall, as from the effective date, by virtue of this Act and without further assurance vest in the government of the United Republic.

(2) On the effective date the Organization 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 Organization and its operation.

(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 Organization and, by virtue of the operation of the provisions of this Act, the United Republic succeeds, as a principle, to the liability of the Organization 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 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.

Instru-
ments

5.—(1) All instruments to which the Organization 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 substituted for the Organization as a party thereto, and all the rights and liabilities of the Organization every such instrument shall vest in the United Republic.

(2) Where in any instrument the Organization is not a party but reference is made to the Organization, 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 Organization and any of its employees.

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 Organization 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 Organization 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.

(3) Notwithstanding any provision to the contrary in this Act and subject to the Government Proceedings Act, 1967, or any other written law, any suit, action or other proceeding instituted by or against the Organization 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.

(4) Where any right under an instrument, the rights under which have not been transferred to the United Republic accrues to the Organization at the effective date, or would have accrued to the Organization 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 Organization under any such instrument save as a counter-claim in any suit or proceeding under this subsection.

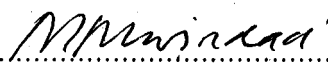
(5) For the avoidance of doubt and without prejudice to any other provision of this Act, it is hereby declared that the United Republic shall have and may exercise all such powers necessary or expedient to take possession of and recover any property, to ascertain, perform and

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 Organization would have had and could have had exercised had this Act not been enacted.

Interpre-
tation
Acts, 1980
No.3

7. The Tanzania Agricultural Research Organization Act, 1980 is repealed.

Passed in the National Assembly on the twenty third day of
February, 1989.


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Clerk of the National Assembly