

THE CROPS LAWS (MISCELLANEOUS AMENDMENTS) ACT, 2009

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THE UNITED REPUBLIC OF TANZANIA



NO. 20 OF 2009

I ASSENT,

President

20 November, 2009

An Act to amend various crops laws with a view to rationalizing roles and functions of Crop Boards, their financing and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Crops Laws (Miscellaneous Amendments) Act, 2009.

Amendment
of crops
laws

2. The crops laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

PART II
AMENDMENT OF THE TEA ACT

Construction
Cap. 275

3. This Part shall be read as one with the Tea Act, hereinafter referred to as the "principal Act".

Amendment of section 1

4. The principal Act is amended in section 1 by deleting the designation "Tea Act" and substituting for it the designation "Tea Industry Act".

Amendment of section 2
Cap. 337

5. Section 2 of the principal Act is amended by-

(a) inserting in their appropriate alphabetical order the following new definitions:

"Association" means an association formed and registered under the Societies Act;

"contract farming" means farming taken under an agreement between tea growers, farmers or producers on one part and financiers including green leaf buyers, factory investors or bankers on the other part;

"Director General" means the chief executive officer of the Tea Board of Tanzania appointed under this Act;

"inputs" means planting materials, agrochemicals, fertilizers, packaging materials and farm implements;

"regulatory function" includes quality control licensing, data collection, analysis and dissemination; market information, enforcement of law and order, enforcing rules and regulations for proper production, processing, marketing, importation, exportation storage of tea inputs and products, setting indicative price, representing Government in international and local fora, control of export and import of tea, and the control of pests and diseases and such other related functions;

- (a) in subsection (1) by deleting the phrase "and the Trust Fund Committee" appearing under paragraph (a);
- (b) in subsection (2) by deleting the phrase "the Tanzania Audit Corporation or any other reputable audit firm" and substituting for it the phrase "Controller and Auditor General".

Addition
of section
26

86. The principal Act is amended by adding immediately after section 22 the following new sections:

"Appeals 23. Any person aggrieved by the decision of the Board on matters which are regulatory in nature may, within sixty days from the date of the decision, appeal in writing to the Minister.

Contract farming 24.-(1) A registered farmer may, for the purpose of facilitating farming activities, enter into a contract farming with financier pyrethrum buyers, processor, investors or banker.

(2) The contract farming entered into under subsection (1) shall be in the prescribed standard form and shall contain:

- (a) name, address and status of the registered farmer;
- (b) name, address and status of the financier;
- (c) obligations of the parties;
- (d) type or kind of facilitation to be granted to the farmer;
- (e) terms and conditions imposed on the farmer; and
- (f) such other information as may be necessary for the purpose of the contract farming.

(3) Every contract farming entered into under this section shall be submitted to the Board for perusal and registration.

(4) The Board shall monitor the implementation of contract farming in order to protect rights of both parties.

(5) Any person being a financier, pyrethrum buyer, processor, investor or banker shall not facilitate a registered farmer in any manner without a contract of farming as required under this section.

(6) A person who contravenes this section commits an offence and shall be liable on conviction to a fine of not less than five million shillings or to imprisonment for a term of not less than six months but not more than two years or to both.

Power to
make by-
laws

25. The local government authorities may in consultation with the Minister make, by-laws for the better carrying out of the shared functions agreed upon by stakeholders in the pyrethrum industry."

PART VIII AMENDMENT OF THE SUGAR INDUSTRY ACT

Constru-
ction
Cap.251

87. This Part shall be read as one with the Sugar Industry Act, hereinafter referred to as the "principal Act".

Amend-
ment of
section 2

88. The principal Act is amended in section 2 by inserting in the appropriate alphabetical order the following new definitions:

Caps.
287
and
288.

“contract farming” means farming under an agreement between sugarcane growers, farmers or producers on the one part and financiers such as sugarcane buyers, processors, investors or bankers on the other part;

“Director General” means the Chief Executive Officer of the Sugar Board of Tanzania;

“input” means planting materials, agrochemicals, fertilizers, farm implements and packaging materials;

“local government authority” means a district authority, or an urban authority established under the Local Government (District Authorities) Act or the Local Government (Urban Authorities) Act;

“regulatory function” means public function and includes quality control and licensing, data collection, analysis and dissemination, market information, enforcement of law and order, making and enforcing rules and regulations for proper production, processing, marketing, setting indicative prices, importation and storage of sugarcane and sugar inputs and products and all functions financed exclusively by the Government;

“shared functions” means joint functions to be undertaken by all sugar stakeholders as agreed from time to time and it includes research, extension, inputs supply, crop development training, promotion and promotion of fair trade and competition;

“stakeholder” means a dealer in the cane and sugar industry and includes the Central Government, local Government authorities, cooperative societies, the Board, all private traders and any other person with a vested interest in the sugar industry; and

“stakeholders meeting” means the meeting of all stakeholders to be held at least once a year to agree on the funding and implementation or otherwise of the shared functions and other matters of common interest to the stakeholders.”

Amend-
ment of
section 4

89. Section 4 of the principal Act is amended-

- (a) in subsection (1):
- (i) by deleting the opening phrase and substituting for it the following
“(1) The Board shall carry out regulatory functions and such other activities necessary, advantageous or proper for the benefit of the sugar industry and shall include-”;
 - (ii) by deleting the word “forum” appearing under paragraph (1) and substituting for it the words “conducive environment”;
 - (iii) by adding immediately after paragraph “(s)” renamed the following new paragraph
“(p) to promote diversification to bio-ethanol and co-generation.”
- (b) in subsection (2) by-
- (i) deleting paragraph (d); and
 - (ii) deleting the phrase “and regulations” appearing in paragraph (g);
- (c) deleting subsections (3) and (5); and
- (d) renumbering subsection (4) as subsection (3).

Amend-
ment of
section 6

90. Section 6 of the principal Act is amended in subsection (6) by-

- (a) deleting paragraphs (b) and (c);
- (b) deleting paragraph (d) and substituting for it the following-
“(d) any contributions by stakeholders including sugar manufacturers, cane growers, sugar importers and exporters.”

- (c) naming paragraphs (d),(e), and (f) as paragraphs (b), (c) and (d), respectively.

Amend-
ment of
section 14

91. Section 14 of the principal Act is amended in sub-section (2) by deleting the phrase "payment of a fee and upon".

Amend-
ment of
section 15

92. The principal Act is amended in section 15 by deleting the phrase "payment of a fee and upon."

Amend-
ment of
section 17

93. The principal Act is amended in section 17 by deleting paragraph (c) and substituting for it the following-
"(c) issued subject to such terms and conditions as may be provided."

Amend-
ment of
section 24

94. The principal Act is amended in section 24 by-

(a) repealing paragraph (c); and

(b) re-naming paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

Amend-
ment of
section 26

95. Section 26 of the principal Act is amended in subsection (3) by deleting the phrase "sugar manufacturers and".

Repeal
and
replac-
ement
section 27

96. The principal Act is amended by repealing section 27 and replacing for it the following-

"Financing
of shared
functions"

27. For the purpose of financing shared functions, stakeholders may put in place a mechanism for the management and for the mode of contribution."

Amend-
ment of
section 28

97. The principal Act is amended in section 28 by -

- (a) deleting the phrase "and the fund" wherever it appears in that section;
- (b) deleting subsection (3) and substituting for it the following-
- "(3) The books of accounts of the Board shall be audited at the end of each financial year by the Controller and Auditor General."
- (c) deleting the phrase "auditor appointed under the provisions of subsection (3)" appearing in the first line of subsection (4) and substituting for it the phrase "Controller and Auditor General".

Repeal of
section 36
and 37

98. The principal Act is amended by repealing sections 36 and 37.

Addition
of new
sections
36, 37, 38
and 39

99. The principal Act is amended by adding immediately after section 35 the following new sections:

"Appeals

36. Any person aggrieved by the decision of the Board on matters which are regulatory in nature, may within sixty days after the date of the decision, appeal in writing to the Minister".

Contract
farming

37.-(1) A registered farmer may, for the purpose of facilitating farming activities, enter into contract farming with financier, cane and sugar buyers, processor, investors or banker.

(2) The contract farming entered into under subsection (1) shall be in the prescribed standard form and shall contain-

- (a) names, address and status of the registered farmer;

- (b) name, address and status of the financier;
- (c) obligations of the parties;
- (d) type or kind of facilitation to be granted to the farmer;
- (e) terms and conditions imposed on the farmer; and
- (f) such other information as may be necessary for the purpose of the contract farming.

(3) Every contract farming entered into under this section shall be submitted to the Board for perusal and registration.

(4) The Board shall monitor the implementation of contract farming in order to protect rights of both parties.

(5) A person being a cane buyer, sugar buyer, processor, investor or banker shall not facilitate a registered farmer in any manner without a contract as required under this section.

(6) A person who contravenes this section commits an offence and is liable on conviction to a fine of not less than five million shillings or to imprisonment for a term of not less than six months but not more than two years or to both.

Stake-
holders
meeting

38.-(1) For the purposes of promoting the development of the sugar industry, there shall be a stakeholder's forum which shall be responsible for-

- (a) advising on mechanisms for the management and funding of the shared functions;
- (b) making procedures for conducting stakeholder's meetings;
- (c) determining modalities for financing its activities and meetings; and

- (d) establishing stakeholders' secretariat and other organs for better carrying out the shared functions; and
- (e) discussion of the matters of common interests.

(2) The stakeholders meeting shall be held at least once a year to agree on the funding and implementation of the shared functions and other matters of common interest.

Power
to make
by-laws


39. The local government authorities may in consultation with the Minister make by-laws for the better carrying out of the shared functions agreed upon by stakeholders."

Amend-
ment of
First
Schedule

100. Paragraph 1 of the First Schedule to the principal Act is amended in sub-paragraph (1) by deleting-

- (a) the word "eight" appearing in subparagraph (1) and substituting for it the word "nine";
- (b) the phrase "Tanzania Sugar Producers' Association" appearing in paragraph (c) and substituting for it the phrase "recommended by apex organization of sugar processors";
- (c) the phrase "Tanzania Sugarcane Growers' Association" appearing in paragraph (d) and substituting for it the phrase "recommended by apex organization of sugar cane growers"; and
- (d) the word "one" appearing in subparagraph (f) and substituting for it the word "two".

Passed in the National Assembly on the 30th October, 2009.


Clerk of the National Assembly