



THE ZANZIBAR CASH CROPS AND FRUITS COMMISSION ACT, 1996

ARRANGEMENT OF SECTIONS

SECTIONS

TITLE

**PART I
PRELIMINARY PROVISIONS**

- | | |
|----|-------------------------------|
| 1. | Short title and Commencement. |
| 2. | Interpretation. |

**PART II
ESTABLISHMENT OF THE COMMISSION**

- | | |
|-----|--|
| 3. | Establishment of the Commission. |
| 4. | Functions of the Commission. |
| 5. | Executive Chairman. |
| 6. | The duties of the Chairman. |
| 7. | Executive Secretary. |
| 8. | The duties of the Executive Secretary. |
| 9. | The staff of the Commission. |
| 10. | Appointment of Inspectors. |
| 11. | Power of Inspectors and Authorised Officers. |



PART III ESTABLISHMENT OF THE BOARD

12. Establishment of the Board.
13. Composition.
14. Tenure of Office.
15. Appointment of temporary member.
16. Meeting Procedure and quorum.
17. Minutes of the Board.
18. Vacancies etc, not invalidated Proceedings.
19. Authentication of contracts etc.
20. Board may regulate its own Proceedings.
21. Annual Report.

PART IV MISCELLANEOUS PROVISIONS

22. Offence and Penalty.
23. Regulations.



ACT NO. 1 OF 1996

I ASSENT

**SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

16th April1997

**AN ACT TO ESTABLISH THE ZANZIBAR CASH CROPS
AND FRUITS COMMISSION AND OTHER MATTERS
CONNECTED THEREWITH**

ENACTED BY THE HOUSE OF REPRESENTATIVES OF ZANZIBAR.

**PART 1
PRELIMINARY PROVISIONS**

**Short title and
Commencement.**

1. This Act may be cited as the Zanzibar Cash Crops and Fruits Commission Act, 1996 and shall come into operation immediately upon being assented to by the President.

Interpretation.

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



2

"Board" means the Board of Directors established under section 12;

"Cash Crops" means any agricultural harvest produced for bulk sale whether for local consumption or for export;

"Chairman" means the Executive Chairman of the Commission appointed under section 5;

"Commission" means the Zanzibar cash crops and Fruits Commission established under section 3;

"Executive Secretary" means the Executive Secretary or the Secretary of the Commission appointed under section 7;

"Government" means the Revolutionary Government of Zanzibar;

"Inspectors" means an agricultural officer, field assistant, Police officer and administrative officer;

"Minister" means the Minister responsible for Agriculture; Livestock and Natural Resources;

"Officer" means an agricultural officer, field assistant, Police officer and administrative officer;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Property of the Commission" means property vested in the Commission for the purpose and use of the Commission;

"Tree" means any cash tree found in either Government or Private Land.



PART II
ESTABLISHMENT OF THE COMMISSION.

Establishment of the Commission.

3. (1) There is hereby established a Commission which shall be known as the Zanzibar Cash Crops and Fruits Commission.

(2) The Commission shall be a body corporate and shall;

- (a) have perpetual succession and official seal;
- (b) in its corporate name, be capable of suing and be sued;
- (c) subject to this Act, be capable by law to purchase, hold, alienate, manage dispose of property whatsoever, whether movable or immovable, and whether by way of investment or otherwise for the purpose of carrying out the functions under this Act or any other written law.

Functions of the Commission.

4. (1) Subject to the provisions of this Act, the functions of the Commission shall be:-

- (i) to collect, conserve, develop and maintain the local germplasm which have a wide genetic diversity of crop species by establishing centres for germplasm collection, multiplication and probation;
- (ii) to promote more areas for increasing production of cash and fruit trees;
- (iii) to ensure that planting targets are properly adhered to;
- (iv) in Connection with Agricultural Research and Extension Services, to formulate and carry out programmes leading to the choice and adoption of suitable tree species for fruit production, seed orchards, and seed trees as part of the National Development;



4

- (v) to buy or sell assets in order to boost up revenue as the Board may direct.

(2) The Commission shall liaise with interministerial and regional administration and other bodies to measure smooth implementation and realization of the objectives of the Commission.

(3) Subject to the provisions of this Act, the Commission shall acquire any piece of land:-

- (a) to establish cash crop plantation based on management plan of each estate and shall carry on regular research activities which shall have the purposes of:-

(i) increasing crops and fruits quality and productivity;

(ii) securing immediate and long term benefit for both land and marketing structures; and

(iii) increasing crops and fruits availability by creating a greater consciousness to the people of Zanzibar.

(4) In order to implement the objectives under this section, the Commission shall seek allocation of adequate funds from the Government.

**Executive
Chairman.**

5. There shall be an Executive Chairman of the Commission who shall be appointed by the President on such terms and conditions as the President may determine.

**The duties of
Chairman.** shall;

6. For the purpose of this Act, the Chairman

(a) execute his duties as given by the Minister;

(b) be the Chairman of all sittings of the Board of Directors of the Commission.



- (c) give directives to the Executive Secretary as may be directed by the Board.

Executive Secretary.

7.(1) There shall be an Executive Secretary to the Commission who shall be appointed by the President on such terms and conditions as the President may determine.

(2) The Executive Secretary shall be the chief administrative and executive officer of the Commission for the day to day administration.

(3) The Executive Secretary shall also be the Secretary to the Board of Directors of the Commission.

The duties of the Executive Secretary.

8.(1) The Executive Secretary of the Commission shall be the chief executive officer of the Commission and shall subject to the provisions of this Act and any other directions which may be given to him by the Minister, the Chairman or the Board, be responsible for the implementation of all decisions of the Board and for carrying out all the day to day activities of the Commission.

(2) Without prejudice to the generality of subsection (1) of this section it shall be the duty of the Executive Secretary, under the direction of the Minister, the Chairman and advice of the Board:-

- (a) to be the head of all personnel employed under the Commission;
- (b) to have power to give letters of appointment of officers working under the Commission;

The staff of the Commission.

9. In consultation with the Minister and the Board, the Commission may appoint on such terms and conditions as it may determine, such number of staff and experts to serve as officers appropriate or necessary for the performance of the functions of the Commission.



Appointment of inspectors. 10. The commission shall, as may consider necessary and on recommendation of the Board, appoint competent inspectors of the commission, who shall be gazetted, to supervise all field activities as prescribed by the Commission.

Power of Inspectors and Authorized Officers. 11.(1) Any inspectors or authorized officer, shall have the powers to inspect and arrest without warrant any produce which has been illegally acquired from Commission's farms.

(2) Any inspectors or authorized officer, on suspicion of any illegally acquired produce, shall have power to inspect, seize and forfeit and or dispose by sale or destruction any perishable goods.

(3) The proceedings of such sale under subsection (2) of this section shall constitute evidence in court proceedings.

PART III ESTABLISHMENT OF THE BOARD.

Establishment of the Board and its Functions. 12.(1) There is hereby established a Board of Directors of the Commission.

(2) The Board shall supervise and advise the Commission on all matters related to the objectives of the Commission, in like manner the Boards shall;

(a) give directions to the Executive Secretary as to the appointment and functions of the officers working under the Commission;

(b) approve rates, fees for produce from plantations belonging to the Commission.

Composition. 13.(1) The Board shall consist of:

(a) the Executive Chairman;



- (b) the Executive Secretary;
- (c) not less than five but not more than ten other members, who shall be appointed by the Minister.

(2) The members of the Board shall elect a member from amongst themselves 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 Office.

(14).(1) A member of the Board, other than the Executive Secretary, shall unless his appointment is sooner terminated by the appointing authority, or cease in any other way to be a member for a period of three years from the date of his appointment, be eligible for re-appointment.

(2) Any member of the Board other than the Executive Secretary, 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 for if no date is so specified, from the date of the receipt of the notice by the appointing authority, shall cease to be a member.

Appointment of Temporary Member.

15.(1) When any member of the Board, other than the Executive Secretary is, by reason of absence from the 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 expires, whichever ever occurs first.

(2) All appointments made under section 14 and this section shall be published in the Gazette.

Meeting Procedure and quorum.

16.(1) The Board shall ordinarily meet for the transaction of business at the time and at places decided upon by the Board, but shall meet at least once every three months.



8

(2) The Executive 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 Board members in office.

(3) The Executive Chairman or in his absence the vice-chairman, shall preside at every meeting of the Board and in the absence of both the chairman and the vice-chairman the Board shall select a member from amongst themselves to preside over the meeting.

(4) The quorum at a meeting of the Board shall be the majority of the members in office.

(5) 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 the votes, the person presiding shall have a second or casting vote.

(6) Notwithstanding sub-section (1) a decision may be made by the Board without a meeting by circulation of the relevant papers among members of the Boards, and 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.

**Minutes of
the Board.**

17. 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 Executive Chairman of the meeting.

**Vacancies,
etc, not
invalidated
Proceedings.**

18. The validity of any act or proceedings of the Board shall not be effected by any vacancy among its members or by any defect in the appointment of any of them.

**Authentication of
contracts
etc.**

19.(1) The application of the official seal of the Commission shall be authenticated by two signatures, namely:-



- (a) the signatures of the Executive Chairman of the Board or some other members of the Board other than the Executive Secretary, authorized by the Board in that behalf, and
- (b) the signature of Executive Secretary or some other employee of the Commission authorized by the Board to act for that purpose in place of the Executive Secretary.

(2) Any instrument or contract which, if executed or entered into by person other than a body corporate, would not be required to be under the seal, may be executed or entered into on behalf of the Commission by the Executive Secretary 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 instrument or contracts.

(3) Every document purporting to be document executed or issued by or on behalf of the Commission shall be:-

- (a) Sealed with the official seal of the Commission authenticated in the manner provided by sub-section (1); or
- (b) Signed by the Executive Secretary or by a member of the Board authorized in accordance with sub-section (2) to act for the purpose, and shall be deemed to be so executed or issued until the contrary is proved.

(4) Any document purporting to be a document duly executed or issued under the seal of the Commission or on behalf of the Commission shall be received in evidence and be documents so executed or issued (as the case may be) without further proof unless the contrary is shown.

**Board may
regulate
its own
Proceedings.**

20. Subject to the provisions of this Act the board may regulate its own Proceeding.



Annual Report. 21.(1) The Board shall cause to be prepared and submitted to the Minister within nine months after the close of each financial year, report dealing generally with the activities and operations of the Commission during that year and in particular:

- (a) statement of all directions given under this Act by the Minister to the Commission during that year;
- (b) such other information as the Minister as he may, by writing request.

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

PART IV MISCELLANEOUS PROVISION

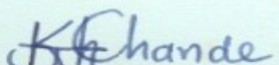
Offence and Penalty. 22.(1) Any person who contravenes the provisions of this Act, commits an offence and shall, on conviction be liable to a fine of not less than ten thousand shillings (10,000/=) or to imprisonment for a term not exceeding six months or both such fine and imprisonment.

(2) In addition to the penalty provided under subsection (1) of this section the court may order forfeiture of produce or issue any order which it deems fit.

Regulations. 23.(1) The Minister may make Regulations for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foreign provision the Minister may, establish policy, and give to the Commission directions of a general or specific character regarding the performance by the Commission of any of its functions.

Passed in the House of Representatives on the 7th day of February, 1996.


KHAMIS JUMA CHANDE
CLERK OF THE HOUSE OF REPRESENTATIVES.