



**AN ACT TO ESTABLISH THE GOVERNMENT AGENCY FOR
TRACTORS AND FARM MACHINERIES SERVICES AND
OTHER MATTERS CONNECTED THERETO**

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ACT NO. 2 OF 2019

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

7th May
....., 2019

**AN ACT TO ESTABLISH THE GOVERNMENT AGENCY FOR TRACTORS
AND FARM MACHINERIES SERVICES AND OTHER
MATTERS CONNECTED THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title and
Commencement.

1. This Act may be cited as the Government Agency for Tractors and Farm Machineries Services Act, 2019 and shall come into operation immediately after being assented to by the President.

Interpretation.

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

“Agency” means the Government Agency for Tractors and Farm Machineries Services established under section 3 of this Act;

“Agriculture” means crop growing in land or in situ, forestry and any ecological resources functioning;

“Board” means a Board of Directors of the Agency established under section 7(1) of this Act;



“Executive Director” means a person appointed under section 21(1) of this Act;

“Minister” means the Minister responsible for Tractors and Farm Machineries Services;

“Ministry” means the Ministry responsible for Tractors and Farm Machineries Services;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Unit” means the Tractors Repair Workshop Unit.

PART TWO ESTABLISHMENT OF THE AGENCY

Establishment
of the Agency.

3. There is hereby established a Government Agency for Tractors and Farm Machineries Services.

Powers and
objectives
of the
Agency.

4.-(1) The Agency shall be semi-autonomous body, by its nature and status shall have the powers to:

- (a) acquire, hold, purchase or dispose any movable and immovable property;
- (b) enter into any contract, joint venture or transaction subject to the laws;
- (c) borrow any such sum of money from any financial institution in accordance with the Public Finance Management Act; and
- (d) perform or do any act or thing which an Agency of its nature may by law, be entitled to perform or do.

(2) The Agency shall have the objectives to:

- (a) put in place well-equipped Tractor Repair Workshops and explore potentials in farm mechanisation market;
- (b) increase agricultural production and productivity, profitability and farm incomes from increased investment in agriculture mechanisation through higher private sector involvement and improved public service delivery in farm mechanisation and tractors;



- (c) improve efficiency in delivery of agro-mechanisation and tractor's services to farmers, reduces drudgery in farming activities and make farm work more attractive; and
- (d) promote effective programs management and administration.

Seal of
the Agency.

5.-(1) There shall be a common seal of the Agency in a shape and size as may be determined by the Board.

(2) Every document purporting to be an instrument issued by the Agency shall be sealed with the seal of the Agency and authenticated by the signature of the Executive Director or any other officer of the Agency authorized by the Executive Director.

(3) There shall be Agency's acronym as may be determined by the Board.

Functions
of the
Agency.

6. Subject to the provisions of this Act, the Agency shall have the functions to:

- (a) carry on and promote the tractor hiring service to farmers, private sector and various institutions for better use of tractors and other machineries in agriculture;
- (b) carry on the business of purchasing tractors, assemble tractors and its related equipment, exporting and importing assembled tractors and farm implements and deal in as manufacturers, agents by sale, farm implements and other spare parts as required by customers;
- (c) carry on repair, maintenance and services of tractors, farm implements and other machineries;
- (d) carry on the business of enhancing farm mechanisation research for increasing the stock of knowledge on farmers' demand and understanding type and capacity of tractors and farm mashinery needed in corresponding with different kinds of soil;
- (e) provide technical training to Agency staff on tractors, farm machinery, and agricultural equipment to gain knowledge and skills for better management;
- (f) provide training to engineers, technical staff and tractor users; farm mechanisation officers, tractor and other machine operators to enable them to learn and gain experience that will be useful in the managing the tractors and farm implements; and



- (g) perform any other function conferred under this Act or which may be necessary for achieving the purposes of this Agency.

PART THREE ADMINISTRATION OF THE AGENCY

Board of
Directors.

7.-(1) There shall be a Board of Directors of the Agency which shall be composed of the following members:

- (a) a Chairperson who shall be appointed by the President;
- (b) Executive Director;
- (c) Director responsible for Agriculture;
- (d) Director of Central Government Workshop; and
- (e) three members to be appointed by the Minister one among them from Farmer's Associations.

(2) Save for ex-officio members, other members shall be appointed by the Minister upon consultation with the respective institution based on gender and professionalism.

(3) The Board shall elect one amongst the members to be a Vice Chairperson of the Board.

(4) The Chairperson of the Board shall hold office for a term of four years from the date of appointment and may be eligible for re-appointment.

(5) Save for ex-officio members, other members of the Board shall hold office for a period of three years and may be eligible for re-appointment.

(6) The Board shall appoint a qualified lawyer within the Ministry or Agency to be a Secretary of the Board.

(7) Subject to the provisions of the subsection (6) of this section, the Secretary shall be accountable to the Board, and shall specifically be responsible to ensure that:

- (a) the accurate minutes of meetings of the Board are properly taken;
- (b) the correct and sufficient records of the Board are properly maintained;



- (c) proper notifications of the meetings of the Board are given to the members; and
- (d) he provides the correct advice to the Board when so needed; and any other matters as the Board may direct.

Qualifications
of the
Chairperson.

8. A person shall qualify to be appointed as Chairperson if he:

- (a) is a Zanzibari;
- (b) holds at least a first degree in the field of agricultural engineering, agro mechanical engineering or any other related fields from any recognized university;
- (c) has working experience of at least ten years in the field of agricultural engineering or any other related fields;
- (d) has high level of integrity in the public service; and
- (e) has high level of competence to manage efficiently and effectively the affairs of the Agency.

Functions of
the Board.

9. The Board shall have the functions to:

- (a) oversee the Agency's management, performance and operation as well as managerial oversight on tractors and farm machineries services issues;
- (b) review and approve policies, business and operational plans, audit and financial reports and statements of the Agency having regard to the Agency's objectives set out in this Act;
- (c) set up guidelines on the implementation of strategic plan for the Agency and endorsement of annual budget;
- (d) propose on the establishment of departments or units or divisions of the Agency when needs arises in accordance with the Public Service Commission standards;
- (e) advise the Minister the best way for the development of the Agency;
- (f) put in place proper guidance on policies, business and operating plans and budgets implementations;



- (g) assist on the proposed goals, targets and performance measures of the Agency in alignment with the approved:
 - (i) strategic plan of the Agency; and
 - (ii) annual action plan of the Agency.
- (h) perform any other function conferred under this Act which may be necessary for achieving the purposes for which the Agency is established.

Committees
of the
Board.

10. The Board may, on such terms and conditions as it may determine, establish such committees, as it may consider necessary to perform the functions.

Delegation
of functions
of the Board.

11. The Board may, if it deems fit for the proper discharge of its functions, delegate some of its functions to a committee or the Secretary of the Board.

Meetings of
the Board.

12.-(1) The Board shall meet ordinarily at least once in every three months and may meet at any time when the need arises for the discharge of its business at such places as the Board may from time to time appoint.

(2) The meeting of the Board shall be convened and presided by the Chairperson, in the absence of the Chairperson, the Vice Chairperson shall preside the meeting and in the absence of both Chairperson and Vice Chairperson, the members present in the meeting shall elect one among them to preside the meeting.

Quorum of
the Meeting
of the Board.

13. More than half of the total number of members shall constitute a quorum at any meeting of the Board.

Decisions of
the Board.

14.-(1) The Board shall make its decision by consensus and in the event of disagreement, the decision shall be reached by voting and in case of any equality in the votes, the Chairperson or Vice Chairperson or member presiding the meeting shall have a casting vote.

(2) Notwithstanding the provisions of subsection (1) of this section, decisions may be made by the Board by circulation of papers to the members whereby each member shall express his views in writing provided that any member may require that any such decision be deferred for discussion at a full meeting of the Board.

(3) A circular resolution in writing signed by all members for the time being in Zanzibar but who shall not be less than five members, shall be as effectual as a decision



made at a meeting provided that a member may require, notwithstanding the members' signatures, the matter be brought at the following Board meeting.

Minutes of the Meetings of the Board.

15. The minutes of proceedings of all meetings of the Board shall be confirmed by the Board at its next meeting and signed by the Chairperson of the meeting and Secretary of the Board.

Procedures of the meetings.

16. Subject to the provisions of this Act, the Board shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its business including committees of the Board.

Resignation of a Member.

17. The Chairperson or any member of the Board may, at any time resign by giving one month notice in writing to the appointing authority and from the date specified in the notice or, if the date is not so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

Termination or Suspension of the member.

18. The Minister may terminate or suspend any member of the Board other than Chairperson and ex-officio member if that member:

- (a) is unable to perform the functions of his office by reason of physical or mental health;
- (b) is convicted of a criminal offence involving fraud, dishonesty or immoral;
- (c) resigns;
- (d) dies;
- (e) absents himself from three consecutive meetings of the Board without the leave of the Chairperson; or
- (f) for any other sufficient reason to be recorded in writing.

Allowances to the members.

19. The members of the Board shall be paid such allowances as the Minister may determine from time to time subject to the provisions of the Public Service Act, Regulations and guidances.

Co-opt member.

20. The Board may co-opt any person who is not a member to attend any deliberations of the meeting of the Board as an expert but such person so co-opted, shall not have the right to vote.



PART FOUR
THE EXECUTIVE DIRECTOR AND OTHERS
STAFF OF THE AGENCY

Appointment
of the
Executive
Director.

21.-(1) There shall be an Executive Director who shall be appointed by the President.

(2) The Executive Director shall be a Chief Executive Officer of the Agency and shall be responsible for day to day functions of the Agency.

Qualifications
of the
Executive
Director.

22. A person shall qualify to be appointed as an Executive Director if he:

- (a) is a Zanzibari;
- (b) holds at least a first degree from any recognized university in agricultural engineering, agro mechanical engineering or any other related fields;
- (c) has working experience of at least seven years in agricultural Engineering or any other related fields; and
- (d) has high level of integrity in the public service.

Duties of the
Executive
Director.

23. The Executive Director shall be responsible to:

- (a) be accountable for all day to day activities;
- (b) be accountable for all income and expenditure of the Agency;
- (c) manage the affair of the Agency in an efficient and cost reflective manner;
- (d) give effect to Tractors and farm machineries services and other international agreements relating to farm machineries;
- (e) supervise all income, expenditure and revenue of the Agency in accordance to the relevant laws;
- (f) oversee and promote the performance of the Agency in all functions in:
 - (i) the administration of the day to day operation of the Agency; and
 - (ii) the management of funds, properties and business of the Agency.



(g) report on activities of the Agency to the Board; and

(h) carry out any other duties as may be necessary or desirable for the proper discharge of functions under this Act.

Staff of the
Agency.

24.-(1) The Board may, upon such terms and conditions, employ other staff or hire services of a consultancy or expert as may be necessary for proper performance of the functions of the Agency.

(2) Recruitment of the staff made under subsection (1) of this section, shall be made in accordance with the Public Service Act.

(3) The existing staff of the Unit shall continue to work and be deemed to be the staff of the Agency employed under the provisions of this Act.

Directorates
of the Agency.

25.-(1) There shall be within the Agency a Department, Unit and Division as deems necessary for the proper discharge of its functions as may be determined by the Board and upon the approval of the Public Service Commission.

(2) Head of Department shall be appointed by the Board, and shall be a person with relevant knowledge and sufficient experience to perform the functions in respective Department.

(3) The Head of Department, Unit and Division shall perform his functions under supervision of the Executive Director.

Powers of the
Minister and
his Relation to
the Agency.

26. In the performance of his functions, the Minister shall have the powers to supervise the implementation of policies related to the Agency and provide general directives and orders to the Agency and Board as he deems necessary.

Relationship
between the
Agency and
Ministry.

27. Subject to the provisions of this Act, the Agency shall be responsible to submit any managerial and operational information to the Ministry as needed.

PART FIVE FINANCIAL PROVISIONS

Funds of the
Agency.

28.-(1) The funds and resources of the Agency shall consist of:

(a) such moneys allocated and voted by the House of Representatives for the purposes of the Agency;



- (b) moneys received by the Agency for goods or services rendered by that Agency;
- (c) such lawful grants, gifts, donation, contributions, loans, bequests, or investment as may be received from any person or organization; and
- (d) any such other moneys that may vest or legally acquired by the Agency.

(2) The Agency shall perform its functions in accordance with common financial principles and shall ensure that, as far as possible, its revenue is sufficient to meet its expenditure properly chargeable to revenue in accordance with strategic plan.

(3) All receipts and earnings shall become the property of the Agency and having regard to the capacity of the Agency to generate income from its own operations and its ability to be self-financing, the financial implications of its strategic plans and its annual business plans and budgets.

(4) The Minister may, after consultation with the Minister responsible for finance, determine, in respect of an Agency, the amount of revenue which shall remain the property of the Agency and the amount of revenue which shall be treated as public funds and credited to the government account.

(5) All financial transactions of the Agency shall be made and governed in accordance with the Public Finance Management Act and any other financial laws.

Estimates of
income and
expenditure.

29.-(1) The Executive Director of the Agency shall prepare or cause to be prepared, not less than three months before the end of each financial year, estimates of income and expenditure for the next ensuing year and may, at any time before the end of a year.

(2) The estimate of income and expenditure for a financial year of the Agency shall be submitted to the Board for its consideration and thereafter, be submitted to the responsible Minister for approval.

(3) For the purpose of this section, estimates of income and expenditure shall include supplementary estimates.

(4) The estimates of income and expenditure of the Agency shall be prepared subject to the requirements and provisions of the Public Finance Management Act and any other directives as may be issued by the government from time to time.



(5) The Executive Director shall ensure that all payments out of the Agency's funds are correctly made and properly authorized and adequate control is maintained over its properties and over the incurring of liabilities by the Agency.

Accounts and
audit.

30.-(1) The Executive Director of the Agency shall ensure that books of accounts and other related financial records for operations of the functions of the Agency are properly maintained in accordance with the public financial and accounting standards.

(2) The accounts of the Agency shall be audited by the Controller and Auditor General or other registered auditor authorized for that purpose by the Controller and Auditor General as may determine.

Annual
performance
report.

31.-(1) The Executive Director of the Agency shall, within two months after the end of each financial year, prepare and submit to the Minister an annual report in respect of that financial year containing:

- (a) a copy of the audited accounts of the Agency, together with the auditor's report on those accounts;
- (b) a report on performance activities and any other related information;
- (c) report of the Agency during the financial year; and
- (d) such other information as the Minister may require.

(2) The Minister shall cause a copy of the annual report of an Agency to be laid before the House of Representatives, within two months or at the next meeting of the House of Representatives, after he has received the report under subsection (1) of this section.

Opening
Bank
Account.

32. The Agency may, subject to the approval of the Minister responsible for Finance and in accordance with the provisions of the Public Finance Management Act, open Bank account in any Bank to deposit its moneys and operate such account for proper performance of its functions under this Act.



PART SIX OFFENCE AND PENALTIES

Offences by
or in relation
to the
Agency.

33. A person who:

- (a) without lawful authority, conducts any technical services, retains machinery, communicates to any person other than in the ordinary course of his employment or communicates information acquired by him in the course of his employment;
- (b) by virtue of his employment, possesses and uses any information relating to functions of the Agency, machinery or raw materials for his personal interest;
- (c) provides secret, false or misleading information relating to functions of the Agency;
- (d) sells, uses, steals or allows machines of the Agency to be used without permission of the Agency;
- (e) allows any person from outside of factory to use seal, logo, machines and other equipment without prior written consent of the Executive Director;
- (f) uses, assists or allows seal, logo, machines and other equipment of the Agency to be used without consent of the Executive Director; or
- (g) contravenes or fails to comply with any provision of this Act,

commits an offence and upon conviction shall be liable to a fine of not less than Three Million Tanzanian Shillings or imprisonment for a term of not less than one year or both such fine and imprisonment.

PART SEVEN MISCELLANEOUS PROVISIONS

Immunity.

34. A member of the Board, staff or any other person in the service of the Agency shall not be personally liable for an act, matter, or thing done or omitted to be done in good faith in the course of performance of his duty or function under this Act.

Vesting of
Assets.

35. Assets and liabilities which were vested in the Agency before this Act, shall immediately after coming into operation of this Act, be vested in the Agency subject to all interests, liabilities, changes, obligations and trusts affecting those assets.



Obligations
of
Government
Institutions.

36.-(1) The Agency may, upon request, have a duty to provide its service to Ministries, Department, Authorities, Corporations and other Government Institutions and such Ministries, Department, Authorities, Corporations and other Government Institutions shall be obliged to seek technical services to the Agency.

(2) Subject to the subsection (1) of this section and notwithstanding to the provisions of the Procurement and Disposal of Public Assets Act, Government Institutions shall follow the procurement methods they ought to use.

Regulations.

37.-(1) The Minister may, in consultation with the Board, make Regulations for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Minister may, in particular make Regulations on:

- (a) access of documents and information kept by the Agency; and
- (b) violation of provisions under section 36 of this Act.

Repeal and
Saving.

38.-(1) The Legal Notice No. 55 of 2017 is hereby repealed.

(2) Notwithstanding the repeal under subsection (1) of this section, anything done or purported to be done under the repealed Legal Notice shall be deemed to have been done under the provisions of this Act.

PASSED by the House of Representatives of Zanzibar on 7th February, 2019.

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(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.