

CONTENTS

Page

A Bill for An Act to Establish the Government Agency
for Tractors and Farm Machineries Services and other
matters connected thereto.....

332

NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 28th November, 2018 and is Gazeted for the public notice incorporating together with their objects and reasons.

ZANZIBAR
5th November, 2018

(Dr. ABDULHAMID Y. MZEE)
***Secretary to the Revolutionary
Council and Chief Secretary***

**A BILL
for
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
Commen-
cement.

1. This Act may be cited as the Government Agency for Tractors and Farm Machineries Services Act, 2018 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 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 affairs;

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

“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

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

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

- (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 to the Public Finance Management Act; and
- (d) perform or do any act or thing which an Agency of its nature may by law, entitled to perform or do.

(2) The Agency shall have the objectives to:

- (a) put in place well-equipped Tractor Repair Workshops and explore potential in farm mechanization 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;

- (c) improve efficiency in delivery of agro-mechanization 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 of Directors of the Agency.

(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, institutions for better use of tractors and other farm machinery 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 tractor, farm implements and other machineries;

- (d) carry on the business of enhance mechanization research for increasing the stock of knowledge on farmers' demand and understanding type of tractor corresponding with kind of soil;
- (e) provide technical training to Agency's staff on tractors, farm machinery, and agricultural equipment to gain knowledge and skills for better management;
- (f) provide training of engineers, technical staff and tractor users; mechanization officers, tractor and machine operators enable them to learn and gain experience that will be useful in the managing the tractors and 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

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

Establishment of the Board of Directors.

- (a) a Chairperson who shall be appointed by the President;
- (b) Executive Director;
- (c) Director responsible for Agriculture;
- (d) Director of Central Government Workshop;
- (e) three members to be appointed by the Minister;

(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 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;
- (d) 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 (10) 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 affair of the Agency.

9. The Board shall have the functions to:

Functions of
the Board.

- (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) setup guidelines on the implementation of strategic plan for the Agency and endorsement of annual budget;
- (d) advise on the establishment of departments or units or divisions of the Agency when needs arises in accordance with Public 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 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 such functions.

Delegation
of functions
of the Board.

11. The Board may, if 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 once in every three months and may meet at any time when the need arises for the discharge of 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 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 from their members 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 sub section (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' signature, the matter be brought at the following Board meeting.

15. The minutes of all proceedings of each 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.

Minutes of the Meeting of the Board.

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 committee of the Board.

Procedures of the meetings.

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.

Resignation of Member.

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

Termination or Suspension of the member of the board.

- (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 Public Service Act, Regulations and guidance.

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 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 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:

- (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 provided to the Agency in accordance to the relevant Laws;
- (f) oversee and promote the performance of Agency in all its functions:
 - (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.

24.-(1) The Agency 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. Staff of the Agency.

(2) Recruitment of the staff made under sub section (1) of this section shall be made in accordance with the Public Services 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 provision of this Act.

Directorates
of the
Agency.

25.-(1) There shall be within the Agency a Department, Unit and Division as deem 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 function under supervision of the Executive Director.

Power of the
Minister and
its Relation
to the
Agency.

26. In the performance of its function, the Minister shall have the power to supervise the implementation of policies related to the Agency and provide a general directions and orders to the Agency and Board as deem 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 operation information to the Ministry as needed.

PART FIVE FINANCIAL PROVISIONS

Funds of
Agency.

28.-(1) The fund 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;
- (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.

(3) All receipts, earnings and accruals of the special fund 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 responsible 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 law.

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 financial year.

Estimates of
income and
expenditure.

(2) The estimate of income and expenditure for a financial year of the Agency shall be submitted to the Board for its consideration and there-after, 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 with 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 property 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 account 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 the purpose by the Controller and Auditor General on such terms and conditions as the Controller and Auditor General 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 responsible 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 responsible Minister may require.

(2) The responsible 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 sub section (1) of this section.

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

Opening
Bank
Account.

PART SIX OFFENCE AND PENALTIES

33. A person who:

Offences by
or in
relation
to the
Agency.

- (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 the employment;
- (b) by virtue of his employment, possesses and uses any information relating with functions of the Agency, machinery or raw materials for his personal interest;
- (c) provides false or misleading information relating with functions of the Agency;
- (d) sells, uses 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 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 not less than one year or to 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 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.

Obligation of
Government
Institutions.

36.-(1) The Agency may in request, have a duty to provide its service to Ministries, Department, Authorities, Corporation and other government institution and such Ministries, Department, Authorities, Corporation and other government institution shall be obliged to seek technical services to the Agency.

(2) Subject to the sub-section (1) of this section and notwithstanding to the provision of procurement and Disposal of Public Assets Act, all government institution shall follow the procurement method they ought to use.

Regulations.

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

(2) Without prejudice to the generality of the provisions of sub section (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 under the provision of section 36.

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

(2) Notwithstanding the repeal under sub-section (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.

OBJECTS AND REASONS

The objective of this Bill is to establish a legislative frame work for Government Agency for Tractors and Farm Machineries Services, which administer the matter relative to tractors and farm machineries services to the public for the purpose of enhancing the strengthen management and administration of the service for better use and development of the system.

The propose Bill is to maintain to establish a Government Agency for Tractors and Farm Machineries Services which is responsible to maintain the standards of maintaining and repairing of tractors and farm machineries in Zanzibar in order to ensure the services provided by the Agency will meet the demand of a client based on good qualities of services and cost reflective manner provided for.

Therefore, the Bill targeted to empower the Agency on sustainability of tractors and farm machineries services by operating in a careful and professional manner, adapting continuous improvement and quality management with the view to improve accessibility of tractors and farm machineries services in accurate, efficiency and timely.

The Bill proposes to establish a proper management which is under the Executive Director who shall be a Chief Executive Officer of the Agency. For that purpose, the Executive Director shall be responsible to manage and under the Agency of his professional skilled manner so that provides better services towards the intended clients. In addition to that, the Executive Director shall be answerable for all tractors and farm machineries, as well as Agency infrastructure system includes equipment and facilities located to the Agency.

Above all, the Agency shall perform its specified functions under direct advice of the Board of Directors headed by the Chairperson to be appointed by the President and other senior officials from the respect government institution and private to be appointed by the Minister responsible for Agency affairs.

The Bill creates government principles to the Agency which will help to ensure sound management in references to planning budget, collection of revenues, submission of financial report to the Minister and other matter related therein in accordance with the financial transaction acceptable as provided by the Public Finance Management Act and its Regulations.

The Bill is divided into seven parts and each part elaborated an independent theme in order to ensure a reader a reader will be easily to understand the themes of this Bill.

Part One is about preliminary provision which contain, short title and commencement and interpretation of certain words used in this Bill.

Part Two is about establishment and administration of the Agency which inter alia contain, seal and logo of the Agency, objectives and functions of the Agency.

Part Three provides for Management and Administration of the Agency which contain two sub parts; Board of Directors, which includes composition of the Board of Directors and functions of the Board of Directors.

Part Four is about Executive Director and other staff of the Agency, which contain appointment of Executive Director, qualifications for Executive Director, functions of the Executive Director, establishment of the Departments and Units of the Agency.

Part Five elaborates the matter pertaining of financial provisions that includes funds resources of the Agency, the procedures of budget preparation application of Public Finance Management Act, power to open Bank Account of the Agency and other matter related hereto.

Part Six is about offences and penalties, this part setup offence for those wrong doers or any person who does or obtains anything which contrary to this Act will be liable for penalty or fine in respect to the offence committed.

Part Seven deals with miscellaneous provision contain, immunity of the staff and Board, members, transfer of assets and liabilities, obligation of the Government to seek service from the Agency, preservation of documents, power of the Minister to make Regulations and repeal and saving of the Legal Notice 55 of 2017.

(RASHID ALI JUMA)
MINISTER FOR AGRICULTURE, NATURAL RESOURCES,
LIVESTOCK AND FISHERIES
ZANZIBAR