



**THE ESTABLISHMENT OF THE CHIEF GOVERNMENT
CHEMIST LABORATORY ACT, NO. 10 OF 2011**

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ACT NO. 10 OF 2011

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

5th December, 2011

**AN ACT TO MAKE PROVISIONS FOR THE ESTABLISHMENT
AND OPERATION OF THE CHIEF GOVERNMENT CHEMIST
LABORATORY AND TO PROVIDE FOR THE MATTER
CONNECTED THEREWITH AND INCIDENTAL THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

- Short title and Commencement**
1. This Act may be cited as the Establishment of the Chief Government Chemist Laboratory Act, 2011 and shall come into operation on such date as the Minister may by notice in the Gazette appoint.
- Interpretation**
2. In this Act unless the context requires otherwise:-
- "Analysis" means the breaking up of chemical compound or mixture into simpler elements to determine the chemical composition of the substance;
- "Board" means the Advisory Board of the Chief Government Chemist Laboratory established under section 14 of this Act;
- "Chemical" means industrial or consumer chemical or chemical product which is a substance in any form whether by itself or in a mixture or preparation, whether manufactured or obtained naturally;



"Chemical product" means a product used by a consumer that has the properties of a toxic product or a corrosive product or a flammable product or a quick skin-bonding adhesive;

"Certificate" means a certificate bearing analytical or examination results of analysis or examination carried out under this Act;

"Chief Government Chemist" means an Officer appointed to be Chief Government Chemist under the provisions of section 8 of this Act;

"Consumer chemical" means chemical or a chemical product used in the domestic household, or in any non industrial process;

"DNA" means deoxyribo nucleic acid that contains the genetic instructions used in the development and functioning of all known living organisms;

"Examination" means any investigation, testing or inspection made for purpose of diagnosis, usually qualified by the method used;

"Forensic" means the technique used to discover information about crime by scientifically examining objects or substances involved in a crime;

"Government Analyst" means an Officer appointed to be Government Analyst under the provisions of section 10 of this Act;

"Illicit drug" means those drugs controlled under the Drug and Prevention of Illicit Traffic Drugs Act, No. 9 of 2009;

"Industrial chemical" means any chemical or product used or intended for use in industrial process;

"Laboratory" means the Chief Government Chemist Laboratory established under section 3 of this Act;

"Microbiology" means the microscopic examination of very small living organism which may cause disease or spoilage of food and drugs;



"Minister" means the Minister responsible for matters relating to the management of Laboratory services;

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

"Toxicology" means the science dealing with the characteristics and effects of poison.

PART II ESTABLISHMENT AND ADMINISTRATION OF THE LABORATORY

Establishment of Laboratory. 3.(1) There is hereby established a Laboratory to be known as the Chief Government Chemist Laboratory which shall be an agency in the Government public service.

(2) The Laboratory shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of:-

- (a) suing and being sued;
- (b) acquiring, holding and disposing movable and immovable property;
- (c) entering into any contract or any other transactions, and doing or causing to do all such other acts and things which a body corporate may perform, do or cause to be done;
- (d) exercising the powers and performing the functions conferred upon it by or under this Act.

(3) The Laboratory shall exercise professional independence in collecting, processing, analysing, and reporting and dissemination of analytical reports.

Seal of the Laboratory. 4.(1) There shall be a seal of the Laboratory in such manner, shape and form as may be determined by the Board.



(2) The seal of the Laboratory shall be kept by the Chief Government Chemist and shall be authenticated by the signature of the Chief Government Chemist or in his absence any person acting on his behalf.

Functions
of the
Laboratory.

5.(1) The Laboratory shall be the principal advisory organ of the Government on matters relating to relevant forensic sciences, laboratory testing on food, medicine, illicit drugs, chemical management and toxicology.

(2) Subject to the provisions of subsection (1) of this section, the Laboratory shall be the highest and final body on matters relating to analytical results related to the functions of the Laboratory.

(3) Without prejudice to the provisions of sub section (2) of this section, where there is any allegation against analytical results of the Laboratory, a further analysis may be made in any other Laboratory inside or outside Tanzania subject to the procedures as may be prescribed in the Regulations made by the Minister for that purpose.

(4) Without prejudice to the generality of the provisions of subsection (1) of this section, the functions of the Laboratory shall be:-

- (a) to carry out forensic testing;
- (b) to carry out toxicology testing of illicit drugs;
- (c) to carry out testing of food, beverages, medicine, on statutory required samples to determine the compliance with quality and prescribed standards;
- (d) to carry out testing on industrial and consumer chemicals, chemical products;
- (e) to carry out inspection and sampling over samples related to occupational health or environment pollution;
- (f) to carry out research on any subject related to the functions of the Laboratory;
- (g) to manage, control and register industrial and consumer chemicals in accordance with the relevant laws;



- (h) to regulate laboratories to ensure that they are in compliance with the prescribed standards;
- (i) to carry out or coordinate DNA testing and provide expert opinion as circumstances may require and keep database of DNA tests;
- (j) to perform such other functions as the Minister may assign to it or which are in the promotion and furtherance of the functions and objectives of this Act.

Relationship with other institutions.

6. In the performance of its functions, the Laboratory may consult and cooperate with any institution having functions or facilities related to those specified under this Act.

Confidentiality of analytical results.

7. The Laboratory shall, at all time while dealing with any specimen and its analytical results, maintain confidentiality of the matter except in accordance with any other written law.

Appointment of Chief Government chemist.

8.(1) There shall be a Chief Government Chemist who shall be appointed by the President.

(2) The person shall not be eligible to be appointed as Chief Government Chemist unless he:-

- (a) possess at least second degree in the relevant field from a recognized Institution; and
- (b) has five years experience in chemical, food, pharmaceutical or biochemical analysis.

Responsibilities and powers of the Chief Government chemist.

9.(1) The Chief Government Chemist shall be the Chief Executive Officer of the Laboratory and shall be responsible for the day to day functions and activities of the Laboratory.

(2) Without prejudice to the provisions of sub section (1) of this section, the Chief Government Chemist shall be responsible for:-

- (a) the analysis, testing, examination of any samples submitted to the Laboratory;



(b) effective personnel management and organization in accordance with the provisions of this Act and any other relevant law; and

(c) performance or exercise of any other functions under this Act.

(3) The Chief Government Chemist shall, in the performance of his functions under this Act and any other law have power to endorse the acts of the Laboratory by use of the official seal.

(4) The Chief Government Chemist shall, upon payment of fee as prescribed by the Minister in consultation with the Board, give to the person by whom a sample was submitted, a certificate setting out the findings of the analysis or examination and such other observation as it may consider necessary.

Government
Analyst.

10.(1) The Chief Government Chemist in consultation with the Board shall, upon such terms and conditions appoint the Government Analysts to work in the Laboratory.

(2) A person shall not be eligible to be appointed as Government Analyst unless he is at least a holder of Diploma from recognized Institution in any of Chemistry, Pharmacy, Food Science and Technology, Microbiology, Biochemistry, Toxicology, Forensic Science or any other related field.

Functions
of the
Government
Analyst.

11. The Government Analyst shall perform the following functions:-

(a) testing, analysing or examining different samples for the purpose of investigation;

(b) any other function assigned by the Chief Government Chemist.

Other
Staff.

12.(1) The Chief Government Chemist may, in consultation with the Board and subject to such terms and conditions, employ or appoint such staff or hire services of such consultant, expert as may be necessary for the proper performance of the functions of the Laboratory.

(2) Employment of staff under sub section (1) of this section, shall be made in accordance with the Public Service Act, No. 2 of 2011 and its regulations.



(3) Without prejudice to the provisions of sub section (1) of this section, a person shall not, except on Presidential appointment, be transferred to or from the service of the Laboratory without prior written consent of the Chief Government Chemist.

Immunity
of
Officers.

13. Any act or omission done in good faith by any officer in discharging, exercising or performing any function, power or authority under this Act or any other law shall not attract civil or criminal liability in respect thereof.

Advisory
Board.

14.(1) There shall be Advisory Board for the Laboratory which shall be composed of:-

- (a) Chairperson who shall be appointed by the President;
- (b) Chief Government Chemist;
- (c) Director of Public Prosecution;
- (d) Chief Government Pharmacist;
- (e) Director responsible for fair trade and consumer protection;
- (f) Director of Environment;
- (g) Director of Social Welfare;
- (h) One person to be appointed by the Minister from the Zanzibar Chamber of Commerce, Industry and Agriculture.

(2) A person shall not be eligible to be appointed as Chairperson unless he has a relevant academic knowledge and at least five years working experiences in public service.

(3) The Board shall appoint one member amongst them to be Vice-Chairperson of the Board and shall exercise the powers of the Chairperson in his absence.

(4) The Board shall appoint a person with at least first degree of law and experience of at least three years in such field to be the Secretary of the Board.



Tenure of members. **15.(1)** 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 for another term only.

(2) The office of member shall be vacant when a member:-

- (a) is absent for more than three consecutive meetings without a permission of the Chairperson;
- (b) is disqualified from his membership for a reason of illness, misconduct or misbehavior or any other reason approved by the Minister.

Meeting of the Board. **16.(1)** The Board shall meet at least once in every three months and in case of an emergency, may meet at any time.

(2) More than half of the total number of members of the Board shall constitute a quorum.

Proceedings of meetings. **17.(1)** Subject to the provisions of this Act, the Board shall have power to determine their own procedures and proceedings of the meeting.

(2) The Board may, whenever necessary invite any person to provide specific expertise during its meeting, but such invited person shall not have the right to vote.

Functions of the Board. **18.(1)** Subject to the provisions of this Act, the Board shall perform the advisory powers to the performance of functions of the Laboratory.

(2) Without prejudice to the generality of the provisions of sub section (1) of this section, the Board shall perform the following functions:-

- (a) to advise on matters of annual work plans and budgets of the Laboratory;
- (b) to advise on setting priorities and annual performance targets for the Laboratory;
- (c) subject to other laws, to advise on organizational structure for the Laboratory;



- (d) to advise on appointment of the senior officers as the Laboratory may consider necessary;
- (e) to advise the Minister on the better implementation of the activities of the Laboratory; and
- (f) any other function which, in the opinion of the Board, shall promote the better implementation of this Act.

Committees **19.** The Board may, for the purpose of facilitating the performance of its functions, establish such Committees to perform specific function within a specific time as may determine.

Allowance for Board. **20.** Members shall be paid such allowances as may be determined by the Minister.

PART III FINANCIAL PROVISIONS

Funds of the Laboratory. **21.(1)** There shall be a fund of the Laboratory which shall contain all money and resources of the Laboratory.

(2) The Funds and resources of the Laboratory shall consist of:-

- (a) such sums as may be appropriated by the House of Representatives in the form of subvention;
- (b) any such sums which the Laboratory may receive as fees or charges for various samples from any organization or individual;
- (c) such donations and grants and subject to the approval of the Minister, loan as the office may, from time to time, receive from any person or organization.

(3) There shall be paid out of the fund all such sums of money required to defray the expenditure incurred by the Laboratory in the exercise, discharge and performance of its objectives and functions under this Act.



Budget. 22. The Chief Government Chemist shall prepare, before the beginning of each financial year, an annual budget of his office and shall submit to the Board for consideration and approval, the Board shall then submit the approved budget to the Minister, for endorsement.

Audit of accounts. 23. The Chief Government Chemist shall keep or cause to be kept financial records of the Laboratory for each year and that record shall be audited by the Controller and Auditor General or any other auditor authorised by Controller and Auditor General.

PART IV GENERAL PROVISIONS

Offences and penalties. 24.(1) Any person employed to work under this Act and who:-

- (a) provide false information in respect to an analytical result or examination carried out under this Act; or
- (b) analyses or examines a sample that is unauthorized or is not within this Act to be analyzed or examined; or
- (c) alters any analytical result or examination carried out under the provisions of this Act; or
- (d) discloses without lawful authority any report of an analytical result or examination carried out under this Act; or
- (e) uses the title of Government Analyst or signs any certificate or document which is otherwise signed by Government Analyst; or
- (f) steal any stored reagent; or
- (g) spread toxic substance by negligent act,

commits an offence and upon conviction shall be liable to a fine of not less than three million shillings and not more than five million shillings or to imprisonment for a term of not less than two years and not more than five years or to both such fine and imprisonment.

(2) Any person who:-



- (a) is required to undergo for DNA test and without lawful justification refuses; or
- (b) submit for analysis or examination to be done under this Act a sample that is illegal; or
- (c) forges or knowingly uses a forged certificate of analysis done under this Act; or
- (d) hinders or obstructs any Government Analyst in the lawful performance of his duties or in the lawful exercise of any power imposed or conferred upon him under this Act; or
- (e) store unauthorized or harmful reagent;

commits an offence and upon conviction shall be liable to a fine of not less than three million shillings and not more than five million shillings or to imprisonment for a term of not less than two years and not more than five years or to both such fine and imprisonment.

Regulations. 25. The Minister may make regulations for the better carrying into effect the provisions of this Act and, in particular but without prejudice to the generality of the foregoing, make regulations prescribe:-

- (a) conditions upon which any specified facilities or services or categories of facilities or services within the scope of the functions of the Laboratory shall be provided to the public and other persons;
- (b) the procedures in which samples are to be taken, packaged, or transported for the purposes of analysis, testing or examination;
- (c) the establishment and regulation of branch laboratories for analysis, testing and examination of food, drugs, chemicals and forensics;
- (d) fees and charges in respect of services rendered by the Laboratory;
- (e) forms to be used under this Act and regulations made there under;
- (f) guidelines for DNA testing;
- (g) categories of consumer and industrial chemicals;



(h) Code of Conducts for Chemical Analyst; or

(i) anything which under this Act may be prescribed.

Repeal of
Food and
Drug
Decree
Cap. 78
and
Savings.

26.(1) The Food and Drug Decree Cap 78 of the Laws of Zanzibar is hereby repealed.

(2) Notwithstanding the repealed law under sub section (1) of this section, any administrative order, direction, evidence or instruction given or issued or anything made under or in pursuance of the repealed law shall be deemed to have been made, given or issued under or in pursuance of the provisions of this Act.

PASSED in the House of Representatives of Zanzibar on 13th day of October, 2011.

{IBRAHIM MZEE IBRAHIM}
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR.