



**THE AGRICULTURAL RESEARCH INSTITUTE
ACT, NO. 8 OF 2012**

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SCHEDULE



ACT NO. 8 OF 2012

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

25th May, 2012

AN ACT TO ESTABLISH THE ZANZIBAR AGRICULTURAL
RESEARCH INSTITUTE AND OTHER MATTERS
CONNECTED THEREWITH

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY PROVISIONS

- Short title and commencement. 1. This Act may be cited as the Zanzibar Agricultural Research Institute Act, 2012 and shall come into operation upon being assented to by the President.
- Interpretation. 2. In this Act, unless the context otherwise requires:-
- “agriculture” means crop growing or *in situ*, forestry and any ecological resources functioning;
 - “Agricultural Line Ministries” means the Ministries responsible for key agricultural activities listed in the Schedule of this Act;
 - “agricultural research” means scientific and technical research in connection with agriculture and environment which includes publication and dissemination of research materials;
 - “Chief Agricultural Research Officer” means a person appointed under section 11 of this Act;
 - “Council” means the council established under section 6 of this Act;



“crop” means a cultivated or wild planting materials or agricultural produce or sequestration;

“Director” means a person appointed under section 9 of this Act;

“disease” means a pathological condition of a part, organ, process or a system of an organism resulting from various causes, such as infection, genetic defect or environmental stress, and characterized by an identifiable group of signs or symptoms;

“Institute” means the Zanzibar Agricultural Research Institute established under section 3 of this Act;

“Minister” means the Minister responsible for Agriculture;

“Ministry” means the Ministry responsible for Agriculture;

“pest” means a destructive animal, especially an insect which attack crops;

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

“Research Divisions” means the Divisions established under section 23 of this Act;

“variety” means a plant grouping within a single botanical taxon of the lowest genetic makeup, which grouping can be:-

- (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant material by the expression of at least one of the said characteristics; and
- (c) considered as a unit with regard to its suitability for being propagated unchanged.

PART II ESTABLISHMENT, FUNCTION S AND POWERS OF THE INSTITUTE

Establishment of the Institute. 3.(1) There is hereby established an Institute to be known as Zanzibar Agricultural Research Institute.



(2) The Institute shall be a body corporate and have a perpetual succession with common seal and shall by its name have power to:

- (a) sue and being sued;
- (b) borrow money by way of loan;
- (c) acquire, purchase, hold or dispose off any movable and immovable property;
- (d) enter into contract or any transaction and do or cause to be done any thing which such body corporate may lawfully do or cause to be done;
- (e) exercise powers and perform such functions which the Institute is empowered to perform under this Act.

Seal of
the
Institute.

4.(1) There shall be a Seal of the Institute in the form and size as may be determined by the Council.

(2) The Seal of the Institute shall be properly affixed if accompanied by the signature of the Director or any other person authorised on his behalf.

Functions
and
powers
of the
Institute.

5.(1) The Institute shall perform the following functions:

- (a) to carry out, and promote the carrying out of agricultural research within the jurisdiction of Zanzibar;
- (b) to conduct basic and applied agricultural research in crops, environment, livestock, forestry, fisheries, land, water, pests, diseases and all related species, processes and ecosystem;
- (c) to conduct basic and applied agricultural research that will accelerate productivity through scientific management of crops, environment, livestock, forestry, fisheries, land, water, and development of appropriate technologies including new varieties and management of pests and diseases;
- (d) to identify production, policy, market, processing and utilization constraints in the field of agriculture and natural resources and prepare short and long term research program within the framework of the Zanzibar Agricultural Research Master Plan;



- (e) to carry out field trials and demonstrations of new technologies or innovations including new varieties of crops, management of pests, disease and management of natural resources;
- (f) to set up appropriate research centres, sub-stations, project areas and farms in different agro-ecologies of the country for carrying out research on various problems of agriculture;
- (g) to train research and extension officers on improved technologies of agricultural production;
- (h) to organize seminars, symposiums and workshops on selected problems which may afford specialists from different Research Institutes and stations opportunities to exchange ideas and be acquainted with the recent advancements in agriculture;
- (i) to organize, design and carry out on station and participatory research in the fields in accordance with Agricultural Sector Policy and Research Master Plan as may be determined;
- (j) to provide the farmers with the information necessary for carrying out their farming business effectively and efficiently;
- (k) to publish annual reports, agricultural manuals, monograms, bulletins and other literatures relating to agricultural research and the activities of the Institute;
- (l) to establish and maintain documentation center for research information;
- (m) to perform such other functions as may be necessary for the purposes of this Act.

(2) The Institute may, in the execution of its functions associate with other relevant Institutions within and outside United Republic of Tanzania.

PART III ADMINISTRATION OF THE INSTITUTE

Establishment
and
composition
of the
Council.

- 6.(1) There shall be the Council of the Institute which shall consist of the following members:-
- (a) Chairperson who shall be appointed by the President;
 - (b) four other members who shall be appointed by the Minister in consultation with relevant authorities at least two among them should be female; they are:-



- (i) one representative from Higher learning Institution from Zanzibar dealing with research;
 - (ii) one representative from the ministry responsible for research coordination;
 - (iii) one representative from Zanzibar Planning Commission;
 - (iv) one representative from the non-governmental organization dealing with agriculture.
- (c) Directors responsible for research from Agricultural Line Ministries as prescribed in the Schedule of this Act;
- (d) the Director of the Institute.
- (2) A person shall not qualify to be appointed as Chairperson of the Council, unless he posses at least first degree in Agriculture or related sciences from a recognized Institution and have working experience of at least five years.
- (3) Except for the Director and Directors responsible for Research as mentioned in the Schedule, the qualifications of the other members of the Council shall be at least first degree from recognized Institution and working experience of five years.
- (4) The members of the Council shall nominate one among them to be a Vice Chairperson who shall preside over the meeting of the Council in the absence of the Chairperson.
- (5) The term of office of the Chairperson shall be four years and the other members of the Council shall hold office for the term of three years, but shall be eligible to be appointed for another one term .
- (6) Any member of the Council may be suspended from being a member for incapacity, misbehavior or for non attendance for three consecutive meetings of the Council without written notice.
- (7) The Council shall, in the performance of its functions be answerable to the Minister.
- (8) The Council shall have a Secretary who shall be a lawyer for the Institute, and will perform the following functions:



- (a) to keep the minutes of the Council in a manner approved by the Council;
- (b) to keep register of resolutions and decisions of the Council;
- (c) to make all necessary preparations for the meeting of the Council;
- (d) to inform relevant officers of the decisions and resolutions of the Council;
- (e) to perform any other duty as directed by the Council or Director.

Functions
of the
Council.

7.(1) The Council shall perform the following functions:

- (a) to provide strategic management and directives for better implementation of agriculture related research activities to the Institute;
- (b) to provide guidance on formulation and implementation of the agricultural research policies;
- (c) to guide Technical Committee on the best ways of attaining the objectives of this Act;
- (d) to manage the property and business, income, funds and other affairs of the Institute;
- (e) to approve the annual estimates of the revenue and expenditure of the Institute for the respective financial year.;
- (f) to issue guidelines prescribing the terms concerning the buying, sell, take or grant of any discovery;
- (g) subject to the provisions of this Act and Public Service Act, to recruit such employees of the Institute as it may consider necessary for the better performance of the Council and the Institute.

(2) The Minister may give to the Council lawful directives of a general or specific character regarding the performance of the Institute of any of its functions under this Act, and the Council shall give effect to every direction given to it.

(3) The Council may invite any person to assist in carrying out its functions except that the invited person shall have no right to vote on any matter coming up for decision at the meeting of the Council.



Meeting
and
procedure
of the
Council.

8.(1) The meetings of the Council shall be convened by the Secretary of the Council, in consultation with the Chairperson, once in every quarter in a year.

(2) The Chairperson may convene an extra ordinary meeting when deems necessary.

(3) Subject to subsection (1) of this section, the Secretary shall give at least seven days' notice in writing to each of the members of the Council specifying the time and place appointed for and the business proposed to be transacted at a meeting of the Council.

(4) Subject to the other provisions of this section, the Council may regulate the proceedings of its meetings.

(5) The quorum of a meeting of the Council shall be more than half of the total number of members of the Council.

(6) The decision of the Council shall be by consensus and if the members fail to reach the consensus, the decision shall be by way of voting and in the equality of votes the Chairperson shall have a casting vote in addition to his deliberative vote.

(7) An act or proceedings of the Council shall not be invalid or called in question on the ground of any vacancy in the post of any member, or any deficiency in the proceedings of the Council.

Appointment
of the
Director.

9.(1) There shall be a Director of the Institute who shall be appointed by the President.

(2) A person shall qualify to be appointed as a Director if, he:

(a) has a minimum of Masters Degree in Agriculture or related Sciences from recognized Institution with sounding experience in areas of research and development;

(b) has working experience of not less than ten years in any agricultural research discipline.

(3) The Director shall be the Head and Chief Executive Officer of the Institute and shall be responsible to the Council for all matters relating to the Institute.



Functions
of the
Director.

10. The Director shall perform the following functions:-

- (a) to provide leadership to the Institute and Research Divisions in planning, implementation and evaluation of agricultural research for development;
- (b) to manage the funds and other resources of the Institute;
- (c) to facilitate the implementation of research programs and activities of the Research Divisions as may be established by the regulations made under this Act;
- (d) to receive on behalf of Institute gift, donations, fees and other monies payable to the Institute;
- (e) to perform any other functions for the purpose of the implementation of this Act.

Appointment
and
functions of
Chief
Agricultural
Research
Officer.

11.(1) There shall be a Chief Agricultural Research Officer who shall be appointed by the Council and shall be the holder of a minimum of Masters Degree in Agricultural Sciences from recognized Institutions with the experience of not less than ten years in agricultural related researches.

(2) The Chief Agricultural Research Officer shall be the principal assistant to the Director of the Institute and shall perform the following functions:-

- (a) to assist the Director in ensuring that all research proposals are submitted to the Council for the approval;
- (b) to coordinate all agricultural research programmes and activities under the guidance of the Director;
- (c) to prepare and document annual report of research works presented by various Divisions in the annual agricultural research review meetings;
- (d) to assist the Director in planning and designing appropriate research for various Research Divisions; and
- (e) to perform any other duty as assigned by the Director.



(3) The Chief Agricultural Research Officer shall hold office for the term of five years, but shall be eligible to be re-appointed for another one term.

Establishment
of Technical
Committee.

12.(1) There shall be a Technical Committee to be known as the Agricultural Research Institute Technical Committee.

(2) The Technical Committee shall comprise of the following members:

- (a) the Director of the Institute who shall be the Chairperson;
- (b) the Chief Agricultural Research Officer who shall be the Secretary;
- (c) the Heads of Research Divisions;
- (d) Chief Extension Officer from the Ministry; and

(3) The Technical Committee may invite any person to assist in carrying out its functions.

Functions
of the
Technical
Committee.

13. The Technical Committee shall perform the following functions:

- (a) to prepare research work plans of the Institute and submit to the Council;
- (b) to review research proposal in terms of priorities and technical content;
- (c) to monitor, evaluate and report research findings to the Council; and
- (d) to perform any other functions as may be prescribed or directed by the Council.

PART IV RESEARCH OPERATIONS OF THE INSTITUTE

Information
to be
furnished
to the
Institute.

14.(1) Any person engaged or purporting to engage in agricultural research within the jurisdiction of Zanzibar shall, at his own expenses, furnish information to the Institute in relation to that research, and shall make available to the Institute copies of any relevant records or findings.



(2) Notwithstanding the provision of subsection (1) of this section, the Institute may enter into Memorandum of Understanding with any person or organizations engaged in other allied scientific research, within or outside Zanzibar, for the purpose of establishing a system of exchanging information in relation to agriculture or other allied scientific research.

Provisions relating to discoveries. **15.(1)** For the purpose of commercial exploitation of any discovery which the Institute considers important for the use in relation to the improvement of agricultural production, the Institute may arrange with any person to buy, sell, take or grant any agricultural related discovery subject to the terms approved by the Council.

(2) Every discovery made as a result of research carried out under this Act shall be registered by the Institute in such form and upon such conditions as the Minister may by regulations under this Act prescribe.

Discoveries and invention. **16.(1)** All agricultural related discoveries and inventions made by the Institute or by any of its officers or employees or agents in the course of the performance of its functions under this Act, shall be the property of the Institute and the Institute may make such discovery or invention available to the public.

(2) The Institute may with the approval of the Minister:-

- (a) pay such bonuses or royalties as it may think fit to any person who makes any discovery or invention in the course of any research undertaken by, or carried out under the directions of the Institute, whether such person is an officer or employee of the Institute or not;
- (b) whether any discovery or invention is made available to the public subject to the payment of fees or royalties, exempt any person from the requirement to pay such fees or royalties or any portion thereof.

PART V FINANCIAL PROVISIONS

Funds of the Institute. **17.(1)** The funds of the Institute shall be administered by the Council and shall consist of the followings:-

- (a) such sums as shall be approved by the House of Representatives for the purposes of the Institute;



- (b) such sums as may in any manner become payable to or vested in the Institute either under the provisions of this Act or incidentally to the carrying out of its functions;
- (c) grants, gifts and donations from other Institutions or individuals;
- (d) any money payable by the way of fees, contribution for research activities.

Investment
of the
Institute
funds.

18. The Institute shall have power to invest its funds in such investment and subject to such condition as prescribed by the Council.

Annual
budget
estimate.

19.(1) At least three months before the commencement of any financial year, the Director shall prepare for the approval of the Council, annual estimates of the revenue and expenditure of the Institute for the financial year.

(2) The Council shall, before the commencement of a financial year, consider and approve, subject to such modifications and amendments as may consider appropriate the estimate prepared in accordance with subsection (1) of this section.

(3) No expenditure shall be incurred for the purpose of the Institute except in accordance with the annual estimates, or in accordance with the provisions of any supplementary estimates approved by the Council.

(4) The annual estimates and of every supplementary estimates, if any, shall, immediately upon the approval by the Council, be submitted to the Minister.

Account
of the
Institute.

20. The Institute shall cause to be kept proper accounts as soon as is practicable after the end of each financial year together with:

- (a) a statement of income and expenditure during such financial year; and
- (b) a statement of the assets and liabilities of the Institute on the last day to such financial year to be submitted to the Minister not later than 30th July of each year.

Financial
report of
the
Institute.

21.(1) The Director shall at the end of each financial year prepare a report on the activities of the Institute during that financial year and submit to the Council and after approval, shall submit such report to the Minister.



(2) The Minister shall cause the report to be laid before the House of Representatives under the normal procedure.

Audit of account.

22. The Council shall, as soon as the accounts of the Institute has been audited, and in any case not later than six months after the close of each financial year, submit to the Minister such audited statements of accounts and a copy of the report made by the Controller and Auditor General on the statements of the accounts.

PART VI MISCELLANEOUS PROVISIONS

Power to make Regulations.

23.(1) The Minister shall make regulations for effective implementation of this Act.

(2) Without prejudice to the generality of the provisions of sub section (1) of this section, the Minister may:-

- (a) prescribe terms and conditions, fees, rates and other charges to be paid in connection with research activities;
- (b) establish Research Divisions for the purpose of fulfillment of this Act;
- (c) regulate all other matters related to the purposes and implementation of the provisions of this Act.

Offences and penalties.

24.(1) Any person who contravenes or fails to comply with the provisions of section 14 of this Act commits an offence and upon conviction will be liable to a fine of not less than one million shillings and not exceeding ten million shillings or imprisonment for a term of not less than one year and not exceeding five years or both such fine and imprisonment.

(2) Any person who whithout authority:

- (a) knowingly makes a false or incorrect statement that impedes the implementation of agricultural research activities; or
- (b) affect the enjoyment of agricultural research; or
- (c) hinders or obstruct the agricultural research officer in exercising his duties under this Act;
- (d) transfers his research findings to other place secretly.



commits an offence and upon conviction be liable to a fine of not less than one million shillings or imprisonment for a time of not less than one year or both such fine and imprisonment.

General
Offences.

25. Any person who without authority affects or destroys the properties or product or activities related to agricultural research made under this Act commits an offence, and upon conviction be liable to a fine of not less than one million shillings and not exceeding ten million shillings or imprisonment for a term of not less than one year and not exceeding five years or both to such fine and imprisonment.

SCHEDULE
AGRICULTURAL LINE MINISTRIES
[Under Section 6(1)(c)]

- (i) Ministry responsible for fisheries;
- (ii) Ministry responsible for livestock;
- (iii) Ministry responsible for environment;
- (iv) Ministry responsible for water;
- (v) Ministry responsible for lands;
- (vi) Ministry responsible for local governments;
- (vii) Ministry responsible for finance;
- (viii) Ministry responsible for trade;
- (ix) Ministry responsible for empowerment.

PASSED in the House of Representatives of Zanzibar on 11th day of April, 2012.

{ YAHYA KHAMIS HAMAD }
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR