



**AN ACT TO REPEAL THE ZANZIBAR AGRICULTURAL RESEARCH  
INSTITUTE ACT, NO. 8 OF 2012 AND TO ESTABLISH AN ACT OF  
THE ZANZIBAR AGRICULTURAL RESEARCH INSTITUTE  
AND OTHER MATTERS CONNECTED THEREWITH**

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ACT NO. 8 OF 2020

I ASSENT

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

*5<sup>th</sup> May*....., 2020

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**ENACTED** by the House of Representatives of Zanzibar.

**PART ONE  
PRELIMINARY PROVISIONS**

- Short title and Commencement.      1. This Act may be cited as the Zanzibar Agricultural Research Institute Act, 2020 and shall come into operation immediately after being assented to by the President.
- Interpretation.              2. In this Act, unless the context otherwise requires:
- “agriculture” means a science, art or practice of cultivating the soil, producing crops, managing natural resources in various degrees of the preparation and marketing of the associated products;
- “agricultural research” means development, accumulation and improvement of knowledge in crops and related science through original and other investigations and methods of scientific or indigenous nature in the production, treatment or processing and handling of agricultural products system;



- “Board” means the Zanzibar Agricultural Research Institute Board of Directors established under section 6(1) of this Act;
- “crop” means a planted or wild planting material or agricultural produce or processed products;
- “Director General” means the Director General of the Institute as appointed under section 23(1) of this Act;
- “disease” means deviation from normal health to plants due to infections, nutritional deficiency and imbalance hereditary which have detrimental defect on plants and impact on agricultural production;
- “farmer” means a person who owns, manages or cultivates a farm by applying agricultural technologies;
- “Institute” means the Zanzibar Agricultural Research Institute established under section 3(1) of this Act;
- “Minister” means the Minister responsible for agricultural matters;
- “Ministry” means the Ministry responsible for agricultural matters;
- “natural resources” means forest resources as defined by the law relating to natural resources;
- “pest” means any species, strain or biotype of plant and animal or pathogenic agent injurious to plants or plant products;
- “President” means the President of Zanzibar and Chairman of the Revolutionary Council;
- “variety” means a plant grouping within a single botanical taxon of the lowest genetic makeup, which may 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; or
  - (c) considered as a unit with regard to its suitability for being propagated unchanged.



## PART TWO ESTABLISHMENT OF THE INSTITUTE

Establishment of the Institute.

3.-(1) There is established an Institute to be known as Zanzibar Agricultural Research Institute by its acronym known as "ZARI".

(2) The Institute shall be a semi-autonomous body and by its composition and status shall be capable of:

- (a) acquiring, holding, purchasing or disposing any movable or immovable property;
- (b) entering into any contract, joint venture or transaction subject to the laws;
- (c) borrowing any sum of money from any financial institution in accordance with the provisions of the Public Finance Management Act; and
- (d) performing or doing any act or thing which an institute of its nature may, by law, be entitled to perform or do.

The seal and logo of the Institute.

4.-(1) There shall be a seal and logo of the Institute in a shape and size as may be determined by the Board.

(2) The application of the seal and logo of the Institute on any document shall be authenticated by the signature of the Director General or any other officer of the Institute authorized by him.

(3) A document purported to be an instrument issued by the Institute, shall be sealed with a seal of the Institute and authenticated in accordance with subsection (2) of this section.

Functions of the Institute.

5.-(1) The Institute shall conduct, regulate and coordinate all agricultural research activities within the jurisdiction of Zanzibar.

(2) Without prejudice to the generality of subsection (1) of this section, the Institute shall:

- (a) conduct basic and applied agricultural research;
- (b) identify production, policy, market, processing and utilization constraints in the field of agriculture and prepare short and long-term research program within the development frameworks of Zanzibar;



- (c) carry out field trials and demonstrations of improved agricultural technologies or innovations;
- (d) set up appropriate research centers, sub-stations, project areas and farms in different agro-ecologies of the country for carrying out research;
- (e) train research and extension officers and farmers on various issues concerning agricultural research;
- (f) organize seminars, symposia and workshops on issues relating to agricultural research;
- (g) organize, design and carry out on station and participatory research in the fields in accordance with development frameworks of Zanzibar;
- (h) provide to stakeholders with research findings for carrying out their business effectively and efficiently;
- (i) publish research findings in research journal, agricultural manuals, monograph, bulletins and other literatures relating to agricultural research and development of the activities of the Institute;
- (j) establish and maintain documentation center for agricultural research information; and
- (k) perform such other functions as may be necessary for the purposes of this Act.

(3) The Institute may, in the execution of its functions, associate with other various relevant institutions within or outside Zanzibar.

### **PART THREE ADMINISTRATION OF THE INSTITUTE**

Establishment  
and  
composition  
of the Board.

6.-(1) There shall be a Board of Directors of the Institute which shall be composed of:

- (a) a Chairperson who shall be appointed by the President;
- (b) Director General;
- (c) Director responsible for planning within the Ministry; and
- (d) four other members from:



- (i) Zanzibar Livestock Research Institute;
- (ii) Higher Learning Institution from Zanzibar dealing with agriculture;
- (iii) registered farmers' association; and
- (iv) registered natural resources association.

(2) A person shall qualify to be appointed as Chairperson of the Board if he:

- (a) is a Zanzibari;
- (b) has at least first degree in the field of agricultural sciences, economics, law or any other related fields from the recognized institution;
- (c) has a working experience of not less than ten years in the public service;
- (d) has high level of competence to manage efficiently and effectively the affairs of the Institute; and
- (e) has high level of integrity.

(3) Save for the Chairperson and ex officio members, other members shall be appointed by the Minister in consultation with the relevant institution based on experience, professionalism and gender equality.

Secretary of  
the Board.

7.-(1) The Board shall appoint a qualified employee of the Institute to be a Secretary of the Board.

(2) The Secretary of the Board shall be accountable to the Board and shall be specifically responsible to:

- (a) take the accurate minutes of meetings of the Board in the manner accepted by the Board;
- (b) maintain the correct and sufficient records of the Board;
- (c) keep register of decisions of the Board and to inform relevant officers;
- (d) give proper notifications of the meetings of the Board to the members;
- (e) provide correct advice to the Board when so needed; and
- (f) perform any other function as directed by the Board.





Functions of  
the Board.

**8.**-(1) The Board shall:

- (a) oversee, direct and provide guidance on the affairs of the Institute;
- (b) ensure that adequate funds and resources are made available to the Institute to carry out its mandate of agricultural research;
- (c) provide guidance on formulation and implementation of the agricultural research policies;
- (d) guide Research Committee on the best ways of attaining the purposes of this Act;
- (e) employ or authorize the employment or termination of staff of the Institute;
- (f) supervise the properties and business, income, funds and other affairs of the Institute;
- (g) solicit and receive on behalf of the Institute, gifts, donations, fees, subscriptions and other monies payable to the Institute and approve their expenditure;
- (h) issue operational guidelines to all or some of the departments; and
- (i) approve guidelines prescribing the terms concerning with buying, selling, taking or granting of any discovery.

(2) The Minister may give the Board lawful directives of a general or specific character regarding the performance of the functions of the Institute under this Act.

Powers of the  
Board.

**9.** The Board shall have a general power to supervise in respect of the performance of the functions of the Institute, and in particular shall have powers to:

- (a) recommend the organizational structure of the Institute to the Public Service Commission;
- (b) recommend to the Public Service Commission on the terms and conditions of services of the employees of the Institute;
- (c) recruit or appoint staff of the Institute in accordance with the provisions of the Public Service Act;



- (d) take disciplinary actions against any staff in case of the violation of codes of conduct according to the Public Service Act or its Regulations; and
- (e) approve fees and other charges of the services rendered by the Institute.

Tenure of the members of the Board.

**10.-(1)** 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 for another term.

(2) Save for an ex-officio member, other members of the Board shall hold office for a period of three years from the date of appointment and may be eligible for re-appointment for another term.

Vice Chairperson.

**11.** The members of the Board shall elect one among them to be a Vice Chairperson 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 performance of its functions under this Act.

(2) All meetings of the Board shall be convened by the Chairperson.

(3) Where the Chairperson is absent, the Vice Chairperson shall convene the meeting of the Board.

(4) Where the Chairperson and Vice Chairperson are absent, the members present shall elect one among them to preside the meeting, and the member so elected shall exercise all the powers and perform all the duties of the Chairperson.

Quorum of the meetings.

**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.** The Board shall make decisions by consensus and in the event of disagreement, the decision shall be reached by voting and in case of an equality in the votes, the Chairperson shall have a casting vote.

Procedures of meetings.

**15.** 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.

Vacancy of a Member.

**16.** The office of a member of the Board shall become vacant if he:

- (a) dies;



- (b) fails to attend three consecutive meetings of the Board without sufficient cause;
- (c) resigns or becomes in any manner disqualified from membership of the Board; or
- (d) fails to perform his duties by reasons of physical or mental health.

Allowances for Members.

**17.** The Chairperson and other members of the Board shall be entitled to be paid such allowances in accordance with the Public Service Act and Public Finance Management Act.

Co-option.

**18.** The Board may co-opt any person who is not a member of the Board 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.

Conflict of interest.

**19.** A member who has direct or indirect interest in a contract or proposed contract or any matter being deliberated by the Board, shall declare the nature of his interest to the Board and shall refrain from participating in the deliberation of the matter.

Delegation of the functions of the Board.

**20.** The Board may, if it deems fit for the proper performance of its functions, delegate some of its functions to the Director General, a committee or any other staff of the Institute.

Termination or suspension of the member of the Board.

**21.** 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;
- (b) is convicted of a criminal offence involving fraud, dishonesty or moral turpitude; or
- (c) fails to attend three consecutive meetings of the Board without the leave of the Chairperson.

Board to establish Committees.

**22.-(1)**The Board may, for the purpose of facilitating the performance of its functions, establish committees to perform specific functions as it may consider necessary.

(2) The proceedings, terms and other matters relating to such committees so established, shall be as prescribed by the Board.



**PART FOUR**  
**THE DIRECTOR GENERAL AND OTHER**  
**STAFF OF THE INSTITUTE**

Appointment  
of the Director  
General.

**23.**-(1) There shall be a Director General of the Institute who shall be appointed by the President.

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

- (a) is a Zanzibari;
- (b) has at least masters degree in agriculture any other fields in or related to sciences from a recognized institution;
- (c) has a working experience in public service of not less than ten years in that field; and
- (d) has high level of integrity.

Functions of  
the Director  
General.

**24.**-(1) The Director General shall be the Chief Executive Officer and be responsible for day to day activities of the Institute.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Director General shall:

- (a) provide leadership to the Institute in planning and implementing agricultural research for development;
- (b) manage funds and other resources of the Institute;
- (c) facilitate the implementation of research programs and their evaluation;
- (d) be a disciplinary authority in respect of the staff of the Institute under his jurisdiction; and
- (e) perform any other functions for the purpose of the implementation of this Act.

Departments,  
centers,  
divisions and  
units of the  
Institute.

**25.**-(1) For the proper performance of the functions of the Institute under this Act, the Board may establish departments, centers, divisions and units in accordance with the provisions of the Public Service Act.



(2) Subject to the provisions of subsection (1) of this section, the heads of departments, centers, divisions and units shall be appointed by the Board based on their related qualifications and experience.

(3) The heads of departments, centers, divisions and units shall be responsible to the Director General.

Staff of the Institute.

**26.** The Institute shall, with the approval of the Board and subject to the provisions of the Public Service Act, recruit such other staff as may be necessary for the proper performance of the functions of the Institute.

## **PART FIVE ESTABLISHMENT OF RESEARCH COMMITTEE**

Establishment and composition of Research Committee.

**27.**-(1) There shall be a Research Committee to be known as the Zanzibar Agricultural Research Institute Committee which shall be composed of:

- (a) the Director General of the Institute who shall be a chairperson;
- (b) the Directors of departments of the Institute;
- (c) Director responsible for natural resources; and
- (d) Director responsible for agriculture.

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

(3) The Research Committee shall appoint a qualified officer amongst researchers of the Institute to be a Secretary of the Research Committee.

Functions of the Research Committee.

**28.** The Research Committee shall:

- (a) prepare annual work plans of the Institute and submit to the Board;
- (b) review research project proposals in terms of priorities and technical content and submit to the Board;
- (c) review scientific papers in agricultural researches for approval by the Board for publication;
- (d) organize an annual agricultural research review meeting, research seminars and symposia to stakeholders;



- (e) monitor and evaluate progress of the research and report findings to the Board; and
- (f) perform any other functions as may be prescribed or directed by the Board.

## PART SIX RESEARCH OPERATIONS OF THE INSTITUTE

Information to be furnished to the Institute.

**29.** A person engaged or purporting to engage in agricultural research within Zanzibar shall, at his own expenses, furnish information to the Institute in relation to that research and make available to the Institute, copies of any relevant records and findings.

Provisions relating to discovery and invention.

**30.**-(1) For the purpose of commercial exploitation of any discovery or invention 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 and conditions approved by the Board.

(2) The discovery or invention 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 prescribe in the Regulations made under this Act.

Ownership of discoveries and invention.

**31.**-(1) All agricultural related discoveries and inventions made by the Institute 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 the discovery or invention in the course of any research undertaken by, or carried out under the directions of the Institute, either such person is an employee of the Institute or not; and
- (b) where any discoveries or inventions 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 SEVEN FINANCIAL PROVISIONS

Funds of the  
Institute.

**32.**-(1) The funds and resources of the Institute shall consist of:

- (a) such sums as may be approved by the House of Representatives in the form of subvention;
- (b) moneys received by the Institute for goods or services rendered by the Institute;
- (c) such lawful grants, gifts, donations, contributions, loans, bequests, or investment as the Institute may receive from any person or organization; and
- (d) any such other moneys that may vest or legally acquired by the Institute in the course of its operations or otherwise.

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

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

(4) All financial transactions of the Institute shall be made and governed in accordance with the Public Finance Management Act and any other financial law.

Estimates of  
income and  
expenditure.

**33.**-(1) The Director General shall, in respect of every financial year, submit to the Board of Directors for deliberations and recommendations a detailed estimates of the income and expenditure for the Institute for the next year.

(2) Upon deliberations and recommendations by the Board, the budget of the Institute shall be dealt in the same manner as part of the budget of the Ministry.

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



(4) The estimates of income and expenditure of the Institute 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 Director General shall ensure that all payments out of the Institute's funds are correctly made and properly authorized, and adequate control is maintained over its property and over the incurring of liabilities by the Institute.

Accounts and  
audit.

**34.**-(1) The Institute shall cause to be made and kept the proper and complete books of accounts reflecting all incomes and expenditure of the Institute.

(2) The Director General shall, subject to such directives from the Institute, prepare in relation to the operations of the Institute, in respect of each financial year, statement of accounts which shall include:

- (a) financial statement and statement of income and expenditure; and
- (b) such other information in respect of financial affairs of the Institute as required under the Public Finance Management Act.

(3) Within three months of closing of every financial year, the accounts including the financial statement of the Institute in respect of that financial year, shall be submitted to the Controller and Auditor General.

Annual  
performance  
report.

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

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

(2) The Minister shall cause a copy of the annual financial report of the Institute 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 of  
Bank Account.

**36.** The Institute shall, subject to the provisions of the Public Finance Management Act, open bank account and deposit its moneys for proper performance of its functions under this Act.

## PART EIGHT MISCELLANEOUS PROVISIONS

Offences  
and  
penalties.

**37.-(1)** A person who:

- (a) makes a false or provide incorrect statement that impedes the implementation of agricultural research activities;
- (b) causes interference in the conduct of agricultural research;
- (c) hinders or obstructs the agricultural research officer in discharging his duties under this Act;
- (d) transfers his research findings to other place secretly;
- (e) fails to comply with the provisions of section 29 of this Act; or
- (f) affects or destroys any property or activity related to agricultural research made under this Act,

commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings and not exceeding Ten Million Tanzanian Shillings or imprisonment for a term of not less than one year but not exceeding ten years or both such fine and imprisonment.

Additional  
penalty.

**38.-(1)** Upon convicting any person of any offence against this Act, the Court, in addition to any other penalty provided by this Act, shall order:

- (a) where any research infrastructure or agricultural research has been damaged, injured or removed in the commission of an offence, that person shall pay a compensation equivalent to the value of the damage caused; and
- (b) confiscation of the property used in the commission of the offence.

Regulations.

**39.** The Minister may make Regulations for proper implementation of the provisions of this Act.



Limitations  
of the right  
to disclose  
information.

**40.** Except for the purposes of criminal proceeding or prosecution, the Institute being a public entity, shall be under no obligation to give any information that would in the opinion of the Institute, compromise the integrity of research, plant breeders' rights or other related rights.

Repeal and  
saving.

**41.**-(1) The Zanzibar Agricultural Research Institute Act, No. 8 of 2012 is hereby repealed.

(2) Notwithstanding the provisions of subsection (1) of this section, anything done under the repealed Act shall be deemed to be done under the provisions of this Act.

**PASSED** by the House of Representatives of Zanzibar on 2<sup>nd</sup> April, 2020.

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(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar.*