

TANGANYIKA



No. 4 OF 1963

I ASSENT,

Julius K. Nyerere
President

...7TH MARCH, 1963

An Act to amend the Agricultural Products (Control and Marketing) Act, 1962, and consequentially to amend the Chattels Transfer Ordinance and the Land Registration Ordinance

[8TH MARCH, 1963]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Agricultural Products (Control and Marketing) (Amendment) Act, 1963, and shall be read as one with the Agricultural Products (Control and Marketing) Act, 1962 (hereinafter called the principal Act). Short title and construction Act 1962 No. 56

2. Section 3 of the principal Act is hereby amended in subsection (4) thereof by inserting immediately after the word "duties" in paragraph (a) the commas and words "including, without prejudice to the generality of the foregoing, the power to import any specified agricultural product and deal in any such product which has been imported,". Section 3 of principal Act amended

3. Section 7 of the principal Act is hereby amended by inserting immediately after the words "category of producers" in the proviso to subsection (1) thereof the words "or any category of produce". Section 7 of principal Act amended

4. The principal Act is hereby amended by inserting immediately after section 7 thereof the following new section to be numbered 7A:— New section inserted in principal Act

"Minister may make compulsory marketing order

7A.—(1) Without prejudice to the provisions of subsection (1) of section 7, the Minister may, if he is of opinion that circumstances urgently require that the marketing of any specified agricultural product used for human consumption should be controlled, by order published in the *Gazette*, order that all producers of that product within an area for which a Board has been established, or any part or parts thereof, shall comply with any directions of the Board as to the sale of such product:

Provided that the Minister may, in any such order, exempt any producer or category of producers or any category of produce from the order.

(2) Where an order has been made under subsection (1)—

- (a) the provisions of subsections (3) and (4) of section 7 and of section 8 shall apply to and in respect of the order as if it were an order made under subsection (1) of section 7 by the Board referred to in the order;
- (b) the provisions of section 9 shall not apply in respect of the order nor in respect of any directions given pursuant to the order under subsection (3) of section 7.

(3) Where an order has been made under subsection (1), the Minister may by the same or by another order—

- (a) empower the Board referred to in the order made under subsection (1) to exercise all or any of the powers contained in paragraph (a) and paragraph (c) of subsection (1) of section 10;
- (b) exercise the power conferred upon him by paragraph (b) of that subsection,

and where the Minister so empowers a Board to exercise or himself exercises any of such powers, the provisions of subsections (2), (3), (4) and (5) of section 10 shall apply as if the Board had been empowered to exercise or the Minister had exercised such powers under the provisions of that section.

(4) For the avoidance of doubt, it shall not be necessary for any order made under this section to be approved by the National Assembly nor need any prior notice of the making thereof be given.”

Section 8 of principal Act amended 5. Section 8 of the principal Act is hereby amended by inserting immediately after the words “category of persons” in paragraph (b) thereof the words “or any category of produce”.

Section 11 of principal Act amended 6. Section 11 of the principal Act is hereby amended by inserting immediately after the word and figure “section 7” at the end of subsection (1) thereof the words and symbols “or section 7A”.

First Schedule to principal Act amended 7. The First Schedule to the principal Act is hereby amended by inserting immediately after paragraph 24 thereof the following new paragraph to be numbered 24A:—

Cap. 211 “24A.—(1) Subject to the provisions of sub-paragraph (2), the provisions contained in the Schedule to the Co-operative Societies Ordinance shall apply in relation to the registration of charges by a Board.

(2) For the purposes of subsection (1)—

- (a) references in the said Schedule to a registered society shall be deemed to be references to a Board;
- (b) references in the said Schedule to the Co-operative Societies (Amendment) Ordinance, 1960, shall be deemed to be references to the Agricultural Products (Control and Marketing) (Amendment) Act, 1963;

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(c) references in the said Schedule to the Registrar shall be deemed to be references to the Registrar-General.”

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8. The Chattels Transfer Ordinance is hereby amended by adding Amendment of Cap. 210 immediately below paragraph (1) of the definition "instrument" in section 2 thereof the following new paragraph to be lettered (m): —

Act 1962 No. 56 "(m) mortgages or charges granted or created by a Board established or deemed to be established under the Agricultural Products (Control and Marketing) Act, 1962;"

9. The Land Registration Ordinance is hereby amended by adding Amendment of Cap. 334 immediately after subsection (2) of section 59 thereof the following new subsection to be numbered (3): —

Act 1962 No. 56 "(3) Where a mortgage is created by a Board established or deemed to be established under the Agricultural Products (Control and Marketing) Act, 1962, such mortgage shall not be registered under the provisions of this Ordinance unless and until it is proved to the satisfaction of the registrar that it has been registered as provided for in that Act."

Passed in the National Assembly on the sixteenth day of February, 1963.

J. M. Msekuta
Clerk of the National Assembly

