

CHAPTER 130
THE STANDARDS ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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CHAPTER 130

THE STANDARDS ACT

An Act to provide for the promotion of the standardisation of specifications of commodities and services and to guarantee their safety and quality, to re-establish the Tanzania Bureau of Standards and to provide better provisions for the functions, management and control of the Bureau, to repeal the Standards Act, No. 3 of 1975 and to provide for other related matters.¹

[22nd June, 2009]

[GN. No. 309 of 2009]

Acts Nos.
2 of 2009
8 of 2019

PART I

PRELIMINARY PROVISIONS

- Short title 1. This Act may be cited as the Standards Act.
- Interpretation
Act No.
8 of 2019 s. 16 2. In this Act, unless the context requires otherwise-
- “Board” means the Board of the Tanzania Bureau of Standards established by section 5;
- “Bureau” means the Tanzania Bureau of Standards established by section 3;
- “code of practice” means a set of rules relating to the method to be applied or the procedure to be adopted in connection with the construction, installation, designing, manufacturing, maintenance, testing, operation or use of any article, apparatus, instrument, device or process;
- “commodity” means an article or thing which is the subject of industry, trade or business;

¹ The long title was amended by the Act No. 8 of 2019 s. 15

“compulsory standard” means a standard which has been declared by the Minister to be a compulsory standard under section 20;

“cosmetic” means any article intended to be used by means of rubbing, pouring, steaming, sprinkling, spraying on or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness altering the appearance and includes any article intended for use as a component of a cosmetic, but excludes articles intended for use in the diagnosis, treatment or prevention of diseases and those intended to affect the structure or any function of the body;

“cream” in relation to food, means part of milk, rich in fat which has been separated by skimming or by any other means;

“Director” means a Director of a Directorate established pursuant to section 9;

“Director General” means the Director General appointed under section 7;

“food” means any substance whether processed, semi-processed or raw which is intended for human consumption, and includes drinks, chewing gum or any substance which has been used in the manufacture, preparation or treatment of food but does not include cosmetics, tobacco or substance used only as drugs;

“food safety” means assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use;

“human consumption” includes use in the manufacture of food for human consumption;

“inspector” means an inspector appointed under section 48;

“ingredient” in relation to the manufacture or preparation of a product regulated under this Act, includes anything which is the sole ingredient or in combination of that product as manufactured or prepared;

Cap. 287 and
Cap. 288

“label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on or attached to a container of any food or cosmetic;

“leaflet” means any written information related to food or cosmetic product;

“local government authority” has the meaning ascribed to it under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;

“management” means the Director General, Directors of Directorates, Heads of Departments, Heads of Sections and any other officer appointed by the Board or the Director General;

“manufacture” includes all operations involved in the production, preparation, processing, compounding, formulating, filling, refining, transforming, packing, packaging, re-packaging and labeling of products regulated under this Act;

“manufacturer” means a person or a firm that is engaged in the manufacture of products regulated under this Act;

“measurement standard” means a realisation of the definition of a given quantity, with stated quantity value and associated measurement uncertainty, used as a reference;

“milk substitutes” means a product manufactured using non-milk ingredients to imitate the properties and characteristics of milk;

“mark” includes any device, brand, heading, label ticket, name, signature, word, letter, numeral or any combination of them;

“Minister” means the Minister responsible for industries and trade;

“National Measurement Standard” means measurement standard recognised by the Bureau to serve as the basis for assigning quantity values to other measurement standards for the kind of quantity concerned;

“National Standard” means a standard declared by the Minister under section 20;

“package” in relation to any product regulated under this Act, means any box, packet or any other article in which one or more primary containers of products regulated under this Act are to be enclosed in one or more other boxes, packet or articles in question, the collective number thereof;

“premises” includes land, buildings, structures, basements and vessels and-

- (a) in relation to any building, includes a part of a building and any cartilage, forecourt, yard or place of storage used in connection with building or part of that building;
- (b) in relation to “vessel”, means ship, boat, air craft, and included as carriage or receptacle of any kind, whether open or closed;

“product” means goods and services designed to be released or launched in a market;

“quality product” means any product declared under this Act to be fit for particular purpose;

“Register” means official records for national standards, certification systems, standard marks and licences;

“sell” includes barter trade and exchange, exposure, offer for sale and export for or in pursuance of sale, and have in possession for any purpose of sale, export, trade or manufacturing;

“service” means work performed as a support operation involving non-manufactured, non-tangible and utility provision for someone else, whose recipient is a consumer;

“slaughter facility” means a slaughter house, slaughter slab, abattoir and any premises or place habitually used for slaughter of animals for human consumption;

“SPS Agreement” means an agreement on the application of sanitary and phytosanitary measures on matters related to food safety under the World Trade Organisation;

“specification” means a description of any commodity by reference to its nature, quality, strength, purity,

composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics or to any substance or material of or with which, or the manner in which, any commodity may be manufactured, produced, processed or treated;

“standard” means set of rules or conditions prescribing, recommending or relating to the state of being of a matter or thing as universally recognised for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at achieving an optimum degree of order in a given context including other recommendations made by the Bureau, relating to or governing the specification, code of practice, safety, trade description, sampling method, testing method or any other aspect, quality, nature or matter relating to or connected with-

- (a) the production or marketing of any commodity or services; or
- (b) any component, raw material, machinery, instrument, apparatus or other thing used directly or indirectly, in the production or marketing of any commodity or service, and includes, in relation to metrology, provisions approved or prescribed by the Bureau relating to the fundamental unit or physical constant and the testing of instruments and apparatus used for the determination of weights and measures;

“standardisation” means an act or activity of establishing, with regard to actual or potential problems, provisions for the common and repeated use and includes the process of formulating, issuing and implementing standards, aimed at achieving an optimum degree of order in a given context;

“standards mark” means a mark which has been approved and registered by the Bureau as a mark denoting conformity to a given standard;

“TBT Agreement” means an agreement on standardisation, conformity assessment, testing and metrology under the World Trade Organisation; and

“unfit product” means a product regulated under this Act, which violates any provision of this Act.

PART II

THE TANZANIA BUREAU OF STANDARDS

Establishment of
Bureau

- 3.-(1) There is re-established the Tanzania Bureau of Standards.
- (2) The Bureau shall be the custodian and an overseer of observance of standards in Tanzania.
- (3) The Bureau shall be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.
- (4) The Bureau may, for the purpose of performance of its functions, take, purchase, acquire, charge, hold and dispose of movable and immovable property and enter into contracts or other transactions which may lawfully be done or performed by a body corporate.

Functions of
Bureau
Act No.
8 of 2019 s. 17

- 4.-(1) Subject to any direction of a general nature which the Minister may give under section 57, the functions of the Bureau shall be to-
- (a) undertake measures for quality control of commodities, services and environment of all descriptions and to promote standardisation in industry and trade;
 - (b) make arrangements or provide facilities for the testing and calibration of precision instruments, gauges and scientific apparatus, for the determination of their degree of accuracy and traceability by comparison with standards approved by the Minister on the recommendation of the Board, and for the issue of certificates in regard to them;
 - (c) make arrangements or provide facilities for the examination and testing of commodities and any material or substance from or with which, and the manner in which, they may be manufactured, produced, processed or treated;

- (d) approve, register and control the use of standard marks in accordance with the provisions of this Act;
- (e) grant, renew, suspend, vary or cancel any licence issued for the use of any standards mark;
- (f) assist industries in setting-up and enforcing quality assurance and environmental management systems procedures;
- (g) prepare, frame, modify or amend National Standards;
- (h) encourage or undertake educational work in connection with standardisation quality assurance, metrology, testing and environment;
- (i) assist the Government or any other person in the preparation and framing of standards;
- (j) co-operate with other Government agencies, representatives of any industry or any other statutory corporation or person with a view to securing the adoption and practical application of standards;
- (k) provide for the inspection, sampling and testing of locally manufactured and imported commodities with a view to determine whether the commodities comply with the provisions of this Act or any other law dealing with standards relevant to those commodities;
- (l) inspect and register premises in accordance with the provisions of this Act;
- (m) certify and register food, food products and cosmetics regulated under this Act;
- (n) act as the custodian of the National Measurement Standards of weights and measures and from time to time adjust, replace or cancel any standards where the adjustment, replacement or cancellation is necessary for the maintenance of conformity to the international standards;
- (o) be the signatory of the mutual recognition arrangement with other national metrology institutes;
- (p) collect, publish and disseminate literature and other materials on standardisation and other related subjects

and to provide facilities for the members of the public to have access to the materials;

- (q) carry-out, promote or assist in research or standardisation and related subjects;
- (r) participate in, or to make arrangements for conferences, workshops, seminars and discussions on matters connected with the activities of the Bureau;
- (s) co-operate with regional and international organisations in all matters related to standardisation and quality assurance and represent the country in such matters;
- (t) publish from time to time an updated version of a National Standard for the quantities and units of measurement to be used, which shall be in conformity with the latest version of the International System of Units;
- (u) undertake pre-shipment verification conformity (PVoC) to standards; and
- (v) do all other acts and things, and enter into any transactions, which are, in the opinion of the Board, expedient or necessary for the proper and efficient discharge of the functions of the Bureau.

(2) In the performance of its functions the Bureau shall-

- (a) have regard to the health, safety, environment and general welfare of the people of the United Republic; and
- (b) maintain, as far as may be practicable, a system of consultation and co-operation with any body established by or under any written law and having functions similar to those specified in subsection (1) or having functions relating to industrial or commercial standards generally.

(3) Notwithstanding the existence of any other standard, the standards declared by the Minister shall prevail over any other existing standards.

Board

5.-(1) There shall be a Board of Directors of the Bureau.

(2) The provisions of the Schedule to this Act shall have effect as to the composition, appointment and termination of members, proceedings and other matters relating to the Board.

(3) The Minister may, by order published in the *Gazette*, amend, vary, alter or replace all or any of the provisions of the Schedule to this Act.

Powers and duties of Board

6.-Subject to the provisions of this Act, the management and control of the Bureau shall vest in the Board.

(2) In particular and without prejudice to the generality of subsection (1), the Board shall have powers to-

- (a) administer properties of the Bureau, both movable and immovable;
- (b) administer the funds and other assets of the Bureau;
- (c) signify acts of the Bureau by using official seal;
- (d) on behalf of the Bureau, receive gifts, fees, donations, grants or other moneys;
- (e) subject to the provisions of this Act, appoint officers of the Bureau which the Board may consider necessary;
- (f) establish subsidiary organisations or agencies to undertake specialised services related to standardisation and quality assurance activities; and
- (g) do all acts and things which may be provided for in this Act or as may, in the opinion of the Board, be necessary or expedient for the proper discharge of the functions of the Bureau.

Appointment and functions of Director General

7.-(1) There shall be a Director General of the Bureau who shall be appointed by the President.

(2) The Director General shall be the Chief Executive of the Bureau and Secretary to the Board.

(3) The Director General shall form technical committees charged with formulation of universally applicable standards in various sectors of the economy.

Committees and
sub-committee

8.-(1) The Board may appoint committees and sub-committees as it considers necessary consisting of its members, co-opted members or both to-

- (a) perform any function of the Board assigned to the Committee or sub- committee;
- (b) advise the Board on a matter referred to the Committee or sub-committee.

(2) The provisions of the Schedule to this Act, other than the provisions which relate to the composition of the Board shall apply *mutatis mutandis* in relation to the committees and sub-committees appointed under this section.

(3) Notwithstanding subsection (2), the Board may by, directions in writing, in relation to any Committee or sub-committee, disapply all or any of the provisions of the Schedule to this Act or modify the same in such manner as may be specified in such direction.

Directorates,
departments and
sections

9. The Board shall establish such number of directorates, departments and sections as may be necessary and proper for the performance of the functions of the Bureau.

Register

10. There shall be a Register for National Standards, standard marks, certification systems and licences into which all matters relating to standards referred to under this Act shall be entered.

PART III FINANCIAL PROVISIONS

Funds of bureau

11. The funds of the Bureau shall include-

- (a) money appropriated by Parliament;
- (b) any funds or assets which may vest in or accrued to the Bureau from other sources;
- (c) gifts, grants, donations or otherwise;
- (d) any fee, levy or charge determined and approved by the Minister responsible for finance; and
- (e) loans granted by the Government or by any other person or body.

Loans

12. The Board may, with the prior approval of the Minister responsible for finance, borrow for the purposes of the Bureau by way of loan, overdraft or otherwise such sums of moneys as may be required to meet current obligations or performance of its functions under this Act or other relevant law.

Annual and supplementary budget

13.—(1) In this Act “financial year” means the financial year of the Government.

(2) Not less than two months before the beginning of any financial year, other than the first financial year, the Board shall, at its meeting specially convened for that purpose, pass a detailed budget, in this Act called “the annual budget” of the amounts respectively—

(a) expected to be received; and

(b) expected to be disbursed,

by the Bureau during that financial year.

(3) Where, in any financial year, the Board requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Board shall, at a meeting, pass a supplementary budget detailing the disbursement.

(4) The annual budget and every supplementary budget shall be in the form and include the details which the Minister may direct.

(5) Forthwith upon passing any annual budget or any supplementary budget, the Board shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to any amendment which he may deem fit.

(7) Where the Minister has approved any annual budget or any supplementary budget, the budget or as the case may be, the supplementary budget, shall be binding on the Board and the Board shall, subject to the provisions of subsection (8), confine the disbursements within the items and the amounts

contained in the budget or supplementary budget as approved by the Minister.

(8) The Board may-

- (a) with the sanction in writing by the Minister, make disbursement that has not been provided for in the budget;
- (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding fifty million shillings to any other item contained in the budget;
- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

Investment
Cap. 53

14. With prior approval of the Minister, the Board may, invest the funds of the Bureau in investments authorised by the Trustees Investments Act for the investment of any trust fund.

Accounts and
audit

15.-(1) The Board shall keep books of accounts and proper records in relation to them and in the form approved by the Controller and Auditor-General.

(2) Within six months of the close of each financial year the Board shall cause the accounts including the balance sheet of the Bureau to be audited by the Controller and Auditor-General.

(3) As soon as the accounts of the Bureau have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited accounts together with a copy of the report made by the Controller and Auditor-General.

(4) The audited accounts shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate that it has been so adopted.

Director General's report **16.** The Director General shall, at the end of each financial year, prepare a report on the activities of the Bureau and submit that report to the Minister after approval by the Board.

Annual statement of accounts and report to be laid before National Assembly **17.** The Minister shall, as soon as may be practicable after the close of a financial year, lay before the National Assembly the following documents in relation to that financial year-

- (a) a copy of the audited accounts of the Bureau;
- (b) a copy of the Controller and Auditor-General's report, if any; and
- (c) a copy of the Director General's report.

PART IV ESTABLISHMENT OF STANDARDS

Standards mark **18.**-(1) The Minister may, on the recommendation of the Bureau and subject to the provisions of subsections (2) and (3), by notice published in the *Gazette*, declare any mark which has been approved by the Bureau in respect of any standard prescribed or recognised by the Bureau for any commodity or the manufacturing, production, processing or treatment of any commodity, to be a standards mark in respect of it and may, in like manner, cancel or amend that mark.

(2) The notice shall contain information with regards to the relevant standard or its amendment which the Minister considers necessary.

(3) No mark which is identical with any trade mark registered in respect of any commodity in accordance with the Trade and Service Marks Act or resembling that mark as to be likely to be mistaken for it, shall be declared to be a standards mark in respect of that or any similar commodity, or in respect of the manufacturing, production, processing or treatment of that or any similar commodity, and no mark identical with a mark which has been duly declared to be a standards mark, or resembling that mark as to be likely to be mistaken for it, shall be registered as a trade mark under that Act in respect of any commodity.

(4) After the coming into operation of a notice made pursuant to subsection (1), a person shall not apply any standards mark mentioned in that notice to any commodity except under a licence issued by the Bureau or a person acting under its authority and unless that commodity complies with the relevant standard or has been manufactured, produced, processed or treated in accordance with the standard.

(5) A person who-

- (a) applies a standards mark to any receptacle or cover of any commodity or to any label attached to any commodity or any receptacle or its cover; or
- (b) places or encloses any commodity in a receptacle or cover to which a standards mark has been applied or in a receptacle or cover to which is attached a label to which that mark has been applied,

shall, for the purposes of subsection (4), be deemed to have applied that standards mark to that commodity.

(6) The issuance of licence under subsection (4) shall be in the discretion of the Bureau or the person acting under its authority, and the licence may be issued subject to conditions to be specified in it and subject to the payment of any fees which may be prescribed.

(7) The Bureau may at its discretion revoke or suspend any licence issued under this section or vary any condition attached to any licence.

(8) Any person who contravenes subsection (4) or any of the conditions specified in a licence issued to him, commits an offence.

Statements by
suppliers

19. Every person who is required to make a statement in a contract, tender, quotation or other similar document as to the question whether the commodity offered or supplied by him complies with or has been manufactured in accordance with a particular National Standard, shall make such a statement provided compliance therewith has been verified by the Bureau.

Powers of
Minister to
declare standards

20.—(1) The Minister may, on the recommendation of the Bureau and subject to the provisions of this section, by notice published in the *Gazette*—

- (a) declare a standard for any commodity or for the manufacturing, production, processing or treatment of any commodity to be a compulsory standard in relation to it with effect from a date specified in the notice being a date not less than two months after the date of its publication;
- (b) declare any standard, specification or code of practice prescribed by the Bureau to be a National Standard;
- (c) amend or repeal any compulsory standard or National Standard in the manner prescribed in this section; and
- (d) prescribe a standards mark for any commodity which complies with a compulsory standard or which has been manufactured, produced, processed or treated in accordance with that standard and may cancel or amend that standard mark.

(2) The Bureau shall, at least two months before making any recommendation for the purposes of subsection (1)(a), publish in the *Gazette*, a preliminary notice setting out the precise purpose of the recommendation proposed and shall call upon all interested persons to lodge any objection in writing with the Bureau in the manner and within the time prescribed.

(3) Every person who has lodged an objection in accordance with the provisions of subsection (2) shall be entitled to appear before the Bureau and be heard, either personally or through a representative, at the time and place which the Bureau shall determine, and publication of the relevant notice under subsection (1)(a) shall not take place if any such objection is upheld or until after every objector has had an opportunity to be heard and the reasons for the rejection of the objection have been furnished in writing to that objector or his representative.

(4) Where an objector or his representative under subsection (2) has failed to appear before the Bureau in accordance with subsection (3), the Bureau shall, before determining the matter, consider the objection lodged in writing by the objector.

(5) Every notice published by virtue of this section shall contain full particulars of the relevant standard or its amendment.

(6) Whenever the Minister has declared a standard to be a compulsory standard, a person shall not sell the commodity to which the standard relates after the date specified unless it complies with that standard or has been manufactured, produced, processed or treated in accordance with that standard.

(7) After a standards mark has been prescribed in accordance with the provisions of subsection (1)(c), a person shall not apply that mark to any commodity except under and by virtue of a licence issued to him under this Act and unless that commodity or its manufacturing, production, processing or treatment complies with the compulsory standard relative to it.

(8) A person who contravenes any of the provisions of subsection (6) or (7), commits an offence.

(9) The provisions of section 18(3) and (5) shall apply with reference to a standard mark prescribed under subsection (1) and the provisions of section 18(6) and (7) shall apply respectively to the issuance of a licence and a licence issued under this section.

(10) Where a person is charged with contravening the provisions of subsection (6), it shall be a good defence for him to prove to the satisfaction of the court that he had no knowledge nor any reasonable means of ascertaining whether before or at the time of sale, that the commodity specified in the charge did not comply with the standard relating thereto.

Appeals

21.—(1) A person who is aggrieved by—

- (a) the refusal of the Bureau to issue a licence;
 - (b) any condition attached to a licence; or
 - (c) the variation, cancellation or suspension of any licence,
- may, within fourteen days of the notification of the act complained of being received by him, appeal in writing to the Minister who shall, within ninety days, either confirm, set aside or vary the decision complained of.

(2) A person who is dissatisfied by the decision of the Minister may prefer an appeal to the Commercial Division of the High Court.

PART V

PROVISIONS REGARDING FOOD²

(a) Registration and Composition of Food

Registration of
pre-packaged
food
Act No.
8 of 2019 s. 18

22.—(1) A person shall not manufacture, import, distribute, sell or expose for sale pre-packaged food unless that food or food product has been registered by the Bureau.

(2) An application for registration of pre-packaged food or food product shall be made to the Bureau in a prescribed manner together with the prescribed application fees.

(3) The Bureau shall register any pre-packaged food or food product if it is satisfied that, the food or food product complies with prescribed standards and the manufacturing operations for such food complies with the prescribed current Good Manufacturing Practice requirements.

(4) The Bureau may charge any applicant such costs as it may incur for the purposes of carrying out Good Manufacturing Practice as prescribed by the CODEX Alimentarius Commission, inspection or laboratory investigations prior to registration of any pre-packaged food or food product.

[s. 21A]

Regulations
regarding
composition
of food
Act No.
8 of 2019 s. 18

23.—(1) The Minister may, after consultation with the Bureau, make regulations prescribing standards to be complied with by manufacturers with regard to the composition of food or its microbiological or chemical or physical standards.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Minister may in the regulations—

(a) require, prohibit or regulate the addition to food or extraction from it of any specified substance or any

² Part V was introduced by Act No. 8 of 2019, s. 18.

substance of any specified category, or the use of any substance as an ingredient in the manufacture or preservation of that food;

- (b) prohibit, restrict or regulate the importation, manufacture or sale, possession for sale, offer or exposure for sale or the consignment or delivery of food or any of its ingredients which do not comply with the regulations;
- (c) prohibit or regulate the importation of any food which, in his opinion, is or may be prejudicial to public health;
- (d) prohibit, restrict or regulate the importation, exportation or use of any specified materials, or materials of any specified category, in the manufacture of apparatus or utensils intended for use in the manufacture or preservation of food;
- (e) prescribe or provide for methods of analysis for the purpose of ascertaining the presence in any food, or the absence from it, of any specified substance or the quantity of any substance present in any food.

(3) Upon making regulations under this section, the Minister shall have regard to the desirability of restricting, so far as is practicable, the use in the manufacture of food or substances of no nutritional value as foods.

[s. 21B]

Prohibition on
food adulteration
Act No.
8 of 2019 s. 18

24.-(1) A person shall not, with intent to cause food to be sold for human consumption-

- (a) add any substance to the food, use any substance as an ingredient of that food in its manufacture or abstract any constituent from it;
- (b) subject the food to any other process or treatment so as, in any such case, to produce food of a quality below the prescribed standard, whether or not that food becomes injurious to health; or
- (c) if that food does not comply with requirements prescribed by the Bureau.

(2) Subject to this section, a person shall not distribute, sell or offer, expose or advertise for sale for human consumption or

have in his possession for the purpose of distribution or sale, any food manufactured in contravention to subsection (1).

(3) Where, in proceedings for an offence under this section, it becomes necessary to determine whether or not any article of food is injurious to health, regard shall be not only to the probable effect of that article or on the health of a person consuming it, but also to that probable cumulative effect of articles of substantially the same on the health a person consuming those articles in ordinary quantities.

[s. 21C]

General
protection for
purchasers of
food
Act No.
8 of 2019 s. 18

25.—(1) A person who sells any food which is not of the nature, substance or quality of the food demanded by the purchaser commits an offence.

(2) Where regulations made under section 23, contains provisions prescribing the composition of, or prohibiting or restricting the addition to any food or the extraction from it, of any substance, a purchaser of the food shall, unless the contrary is proved, be deemed for the purposes of subsection (1), to have demanded a food complying with the provisions of the regulations.

(3) In any proceedings for an offence under subsection (1) it shall not be a defence for the defendant to allege that the purchaser bought for analysis or examination and therefore was not prejudiced.

(4) In this section, references to sale shall be construed to sale for human consumption.

[s. 21D]

Offences
regarding sale,
etc. of unfit food
Act No.
8 of 2019 s. 18

26.—(1) A person who-

- (a) distributes, sells or offers or has in his possession for the purpose of distribution, sale or manufacture for sale; or
- (b) deposits with or consigns to, any person for the purpose of distribution or sale or manufacture for distribution or sale any food intended, but unfit for human consumption,

commits an offence.

(2) Where any food in respect of which an offence under subsection (1)(a) has been committed, if the unfit food or food products was distributed or sold to the offender by some other person, that other person commits an offence.

[s. 21E]

Food offered as
prize
Act No.
8 of 2019 s. 18

27.—(1) The provisions of sections 26 and 28 shall apply in relation to—

- (a) any food intended for human consumption which is prize, reward or donation in connection with any to which the public are admitted, whether or not for money, as if such food were or had been exposed for person in the organisation of the entertainment;
- (b) any food intended for human consumption which is prize, reward, donation or given away for the advertisement, or in furtherance of any trade or business, food were or had been exposed for sale by the person giving it away;
- (c) any food intended for human consumption which is deposited in any premises for the purpose of being given away as if the food were, or had been, exported for sale by the occupier of the premises.

(2) In this section, the expression “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport, lottery or trial of skill.

[s. 21F]

Examination of
food suspected
to be unfit
for human
consumption
Act No.
8 of 2019 s. 18

28.—(1) An inspector may, at all reasonable times, examine any food intended for human consumption which has been distributed, sold or is offered or exposed for sale or is in the possession of, or has been deposited with or consigned to, any person for the purpose of distribution or sale or manufacture for sale, if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with in a manner provided for in this Act.

(2) An inspector who seizes any food under subsection (1) shall inform the person in whose possession the

food was found of his intention to have it diagnosed in a described manner.

(3) Where it appears to the inspector that any perishable food examined by him is unfit for human consumption, he shall condemn the food and order destruction of the same or dispose of in a prescribed manner.

(4) Where it appears to the inspector that any non-perishable food examined by him is unfit for human consumption, he shall take that food to the court for further action, and if the court is satisfied that, that food is unfit for human consumption, the court shall condemn the food and order its destruction in a prescribed manner, and if the court is not satisfied that the food is unfit for human consumption, it may order for further actions to be taken.

(5) Where the court orders for the destruction or disposal of any food which has been declared unfit for human consumption, that destruction or disposal shall be done at the owners cost.

[s. 21G]

Power to seize
and dispose of
carcass unfit
for human
consumption
Act No.
8 of 2019 s. 18

29.—(1) An inspector may seize, and cause to be disposed of in such manner as he may think fit, the carcass or any part of the carcass of any animal received into a butchery facility or cold stores for the purpose of sell for human consumption which on examination is found to be diseased or unfit for human consumption, and compensation shall not be payable to the owner of that carcass or any part of it.

(2) Where, in pursuance of subsection (1), any carcass or a part of it is seized by an inspector, he shall, before causing it to be disposed off record or cause to be recorded-

- (a) a description or other particulars as will suffice to identify the carcass or part of it; and
- (b) the grounds upon which the seizure was effected.

(3) For the purpose of this section, the inspector may deal with poultry, game and fish in the same manner as if the poultry, game and fish were carcasses or animals for slaughter.

[s. 21H]

(b) Importation

Restriction on
importation of
food
Act No.
8 of 2019 s. 18

30.–(1) A person shall not, on or after the appointed day, carry on the business of an importer of food unless he is registered by the Bureau under section 31 as an importer of food.

(2) The Bureau shall cause to be kept and maintained in the prescribed manner a Register containing-

- (a) the name of every registered importer of food;
- (b) the date of registration;
- (c) the kind or kinds of food in respect of which he is registered as an importer;
- (d) chemical composition, microbiological and physical status of the food he imports; and
- (e) such other particulars as the Bureau may, prescribe.

(3) The provisions of section 31 shall be complied with by every person registered as an importer of food on every occasion he proposes to import food which was not included in his original application for registration.

[s. 21I]

Application for
registration of
importer
Act No.
8 of 2019 s. 18

31.–(1) Every application for registration as an importer of food shall be addressed to the Director General and shall be in a prescribed form and manner.

(2) Upon receipt of an application for registration, the Director General shall, as soon as is practicable, proceed to consider the application and grant registration if he is satisfied that-

- (a) the composition of the food proposed to be imported is not of a quality below the specifications prescribed under this Act;
- (b) importation and consumption of the food proposed would enhance or contribute in any other way to the national effort to improve the nutritional status of the people of Tanzania; or
- (c) the food or its products and practices related thereto does not in any way contravene the provisions of this Act.

[s. 21J]

Restriction on
movement of
imported food
Act No.
8 of 2019 s. 18

32.—(1) Without prejudice to any power of examining food conferred by this Part, a person authorised in writing in that behalf by the Bureau may give directions to the person in possession of any food which is imported for human consumption, prohibiting or restricting its removal or delivery—

- (a) during any period of not more than seventy-two hours; and
- (b) if within that period the authorised person so requires, until that person has notified the authorised person of the name of the person to whom, and the address to or at which, he proposes to send or deliver that food.

(2) A person who fails to comply with any direction given under subsection (1) or who, in a notification under that subsection, knowingly makes any false statement, commits an offence.

[s. 21K]

(c) Milk, Milk Products and Milk Substitutes

Rules relating
to milk, milk
products and
milk substitutes
Act No.
8 of 2019 s. 18

33.—(1) The Minister may, after consultation with the Bureau and other institutions dealing with matters related to milk, milk products or milk substitutes and with such other person as he may determine, make rules for purposes of—

- (a) regulating the addition to milk intended for human consumption, any water or colouring matter, or any dried or condensed milk or liquid reconstituted from condensed milk;
- (b) regulating the extraction of any matter or substance from milk intended for distribution or sale for human consumption; and
- (c) regulating in any other way the composition and other dealings in milk, milk products and milk substitutes.

(2) Rules made under this section shall be published in the *Gazette*.

[s. 21L]

Milk from
diseased dairy
animals not
to be used for
consumption
Act No.
8 of 2019 s. 18

34.-(1) A person shall not-

- (a) sell, offer or expose for sale, for human consumption;
- (b) use in the manufacture of food for sale for human consumption, the milk of any dairy animal which to his knowledge has tuberculosis or is suffering from emaciation due to tuberculosis or from tuberculosis of the udder or any infection of the udder or teat which is likely to convey diseases, or from any comatose condition, any septic condition of the uterus, anthrax or any other zoonotic diseases so diagnosed; or
- (c) sell, offer or expose for sale or use in the manufacture of food for human consumption the milk from any treated dairy animal during its withdrawal period.

(2) A person who contravenes this section commits an offence.

(3) In any proceedings under this section, an accused person shall be deemed to have known that a dairy animal was diseased, if he could with reasonable diligence have ascertained that fact.

[s. 21M]

(d) Premises for Slaughter of Animals and Sale of Meat

Restriction on
use of premises
for slaughter of
animals and sale
of meat
Act No.
8 of 2019 s. 18

35.-(1) A person shall not use any premises for slaughter of animals or cause or permit any animal to be slaughtered with intent to supply, sell, offer or expose for sale meat for human consumption, unless that premises is registered by the Bureau.

(2) A person who contravenes any of the provisions of this Act, commits an offence.

[s. 21N]

Regulations
regarding
slaughter
and butchery
facilities, etc.
Act No.
8 of 2019 s. 18

36.-(1) The Minister shall, on advice of the Director General after consultation with the Minister responsible for livestock development, make regulations relating to premises for the slaughter of animals or birds and sale of meat for human consumption and may, by such regulations-

- (a) prescribe the methods, instruments or appliances which may be used to carry out slaughtering;

- (b) provide for and regulate the inspection of slaughter and butchery facilities to determine whether or not they are suitable for the intended purpose;
- (c) provide for the disposal, treatment or processing of waste matters, refuse and by-products resulting from the slaughtering of animals or birds in slaughter houses;
- (d) prescribe places and circumstances in which an animal or bird may be slaughtered in a place other than a slaughter house, and any action or actions to be taken in the event of every such slaughter;
- (e) prescribe the manner in which carcasses and viscera are to be marked or labelled upon their being detained or seized in accordance with regulations made under this Act;
- (f) regulate treatment and disposal of any animal, carcass or viscera, or any part of them, in relation to which a breach of this Act has been committed and the offender convicted;
- (g) prescribe or provide for any matter in relation to slaughter and slaughter facilities which appears to him to be necessary for the proper maintenance of quality standards in respect of meat intended for human consumption.

(2) Regulations made under this section may require acts or things to be done to the satisfaction of a prescribed person and may empower a prescribed person to issue directions to any other person requiring acts or things to be done, imposing conditions and prescribing periods and dates upon, within or before which such acts or things shall be done or such conditions shall be fulfilled.

(3) A regulation made under this section relating to any slaughter facility shall not be so framed or construed as to deny to any religious community reasonable facilities for obtaining food, the flesh of animals or birds slaughtered by the method specially required by their religion.

(4) The Bureau shall, for the purpose of performing its functions under Sub-Part (d) of this Part, establish and maintain a system of consultation and cooperation with any person or body of persons, whose functions are related to those of the Bureau or whose participation or collaboration in the work of the Bureau is likely to advance the better and more effective furtherance of the objects specified under Sub-Part (d), and in particular the institutions responsible for the Hide, Skin and Leather Trade Act and the Animal Diseases Act.

[s. 21O]

Transportation of
meat
Act No.
8 of 2019 s. 18

37.—(1) Subject to subsection (2), a person shall not convey or cause to be conveyed any meat or meat product from a slaughter facility or cold store in any vehicle unless such vehicle has been approved in writing for that purpose by the Bureau.

(2) The provision of subsection (1) shall not apply to the transportation of meat or meat products in hermitically sealed containers or in other containers of a type approved by the Bureau.

(3) The Bureau or as the case may be, an inspector designated for that purpose by the Bureau, may refuse to approve any vehicle, tray or load-carrying part of which is not covered or which has no proper provisions for preventing contamination or which is considered for any other reason to be unsuitable for the carriage of meat or meat products.

(4) Where at any time the Bureau considers that any vehicle approved under subsection (1) has ceased to be suitable for carrying meat or meat products, it may revoke the approval of that vehicle.

(5) A person who contravenes the provisions of this section, commits an offence, and on conviction shall be liable to a fine of not less than one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

[s. 21P]

(e) Food Hygiene

Minister to make
regulations
regarding food
hygiene
Act No.
8 of 2019 s. 18

38.—(1) The Minister may, after consultation with the Bureau, make regulations designed to secure the observance of sanitary and cleanly conditions and practices and wholesome methods in connection with—

- (a) the sale of food for human consumption; and
- (b) the manufacture, transport, storage, packaging, marking, exposure for sale, service or delivery of food intended for human consumption.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations—

- (a) prohibiting, restricting or regulating the sale, or storage, possession or exposure;
- (b) impose requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation and extraction of fumes or heat, lighting, water supply and use of premises in, at or from which food for human consumption is manufactured or stored or sold, offered or exposed for distribution or sale;
- (c) imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with those premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises, and in particular, the regulations may impose requirements that every sanitary convenience situated in such premises be supplied with water through a suitable flushing appliance;
- (d) prohibiting or restricting spitting on or, in any other way, littering premises where food for human consumption is manufactured or stored, or sold, offered or exposed for distribution or sale;
- (e) imposing requirements as to the clothing to be worn by persons engaged to work in the house premises;

- (f) requiring the periodic medical examination of persons engaged in those premises or a category of them, the immunisation of those persons against any special disease and prohibiting the employment or continued employment of any of them found to be suffering from any special disease or any specified disease.

(3) Regulations made under this section shall be published in the *Gazette*.

[s. 21Q]

Duty to report
certain diseases
and conditions
Act No.
8 of 2019 s. 18

39.—(1) Every person who works in direct contact of food in food processing and handling operations and who-

- (a) is suffering from a septic sore, diarrhoea, chronic cough on septic sore throat; or
- (b) to his knowledge is suffering from, or is a carrier of typhoid or paratyphoid fever, any salmonella infection, dysentery or any staphylococcal infection liable to cause food poisoning,

shall not be allowed to handle food and shall be required to take necessary measures including seeking medical attention and reporting the matter to the employer where applicable.

(2) Upon being informed of the circumstances specified in subsection (1), every employer or occupier shall forthwith stop the employee from handling food and cause such employee to be attended by a medical practitioner and shall keep records related to such incidence.

(3) The employer shall, without delay, be required to notify the Bureau.

[s. 21R]

Notification
of food borne
diseases
Act No.
8 of 2019 s. 18

40.—(1) Where a medical practitioner or any other person becomes aware, or suspects, that a patient under his care is suffering from food poisoning, he shall, without delay, send to the Medical Officer of health of the area in which the patient ordinarily resides, a report stating-

- (a) the name, age and sex of the patient, and the address of the residence of that patient; and

(b) particulars of the food poisoning from which the patient is, or is suspected to be suffering.

(2) Upon receipt of the report, the medical officer of health shall immediately take all necessary measures to investigate and prevent or put to stop occurrences of food poisoning within the area under his jurisdiction and report such actions and measures to the Bureau in a prescribed manner.

(3) Subject to subsection (2) of this section and 39(3), the Bureau shall prescribe a manner in which food borne incidences shall be reported.

[s. 21S]

PART VI COSMETICS³

Restriction on
manufacture,
importation,
distribution and
sale of cosmetics
Act No.
8 of 2019 s. 18

41. Cosmetics shall not be sold, given, manufactured, imported, stored or exhibited for the purpose of being sold or given unless the cosmetic conforms to requirements prescribed by the Bureau.

[s. 21T]

Prohibited
ingredients
Act No.
8 of 2019 s. 18

42.—(1) Whenever the Bureau considers it necessary or desirable in the public interest that any ingredient should be declared to be prohibited, the Minister may, on advice of the Director General and by notice in the *Gazette*, declare such ingredient to be a prohibited ingredient and may in like manner amend or revoke such notice.

(2) Except as otherwise prescribed in the regulations, a cosmetic shall not contain any prohibited ingredients.

(3) Only approved substances may be used to colour cosmetics.

[s. 21U]

³ Act No. 8 of 2019, s. 18.

Prohibition of
manufacture and
sale of certain
cosmetics
Act No.
8 of 2019 s. 18

43. A person shall not, himself or by any other person on his behalf-

- (a) sell, supply or distribute cosmetics that contain poisonous or harmful substances that might injure users under normal conditions;
- (b) manufacture or hold cosmetics under insanitary conditions, using non-permitted colours, or including any filthy, putrid or decomposed substance; or
- (c) sell, stock, exhibit or offer for sale or distribute any cosmetic which has been imported or manufactured in contravention of any of the provisions of this Act.

[s. 21V]

Counterfeit
cosmetics
Act No.
8 of 2019 s. 18

44. For the purpose of this Act, a cosmetic shall be deemed to be counterfeit where-

- (a) it is manufactured under a name which belongs to another cosmetic;
- (b) it is an imitation of, or a substitute for, another cosmetic or resembles another cosmetic in a manner likely to deceive or bears upon it or upon its label or container the name of another cosmetic unless it is plainly and conspicuously marked so as to reveal its true character and it lacks identity with such other;
- (c) the label or container bears the name of an individual or company purporting to be the manufacturer of the cosmetics which individual or company is fictitious or does not exist; or
- (d) it purports to be the product of a manufacturer of whom it is not truly his product.

[s. 21W]

Power to prohibit
manufacture,
importation and
distribution of
cosmetics in
public interest
Act No.
8 of 2019 s. 18

45.-(1) Without prejudice to any other provisions contained in this Act, if the Minister on advice of the Director General is satisfied that the use of any cosmetic is likely to involve any risk to human being or that it contains ingredients of such a type and quantity which there is no justification and that in the public interest it is necessary or expedient to prohibit.

(2) The Minister may, by notice in the *Gazette*, prohibit the importation, manufacture and sale of the cosmetic under subsection (1).

[s. 21X]

Penalties against
manufacture
import, sell or
distribution of
cosmetics
Act No.
8 of 2019 s. 18

46. A person whether himself or on behalf of another person manufactures, imports, sells or distributes-

- (a) any counterfeit cosmetic as referred to in the provision of section 44, commits an offence and on conviction, shall be liable to a fine not exceeding one hundred million shillings or to imprisonment for a term not less than two years or to both;
- (b) any cosmetic other than cosmetic referred to under the provisions of section 43, the import of which is prohibited, commits an offence and on conviction, shall be liable to a fine of not less than fifty million shillings or to imprisonment for a term of not less than two years or to both.

[s. 21Y]

PART VII ENFORCEMENT PROVISIONS

Samples,
equipments and
information

47.-(1) Every person to whom a licence has been issued under this Act shall, if so requested by the Bureau in writing, furnish within a period which may be specified the samples of any commodity or service to which the licence relates and all such information with regards to such commodity or service or its manufacturing, production, processing or treatment as may be specified in the request.

(2) Every person to whom a licence has been issued to offer a calibration service shall be required to submit such samples of any commodity to the Bureau for calibration against the National Measurement Standard of his equipment or instrument.

(3) Every person who has been licensed to undertake a scientific or industrial measurement or use of such measurement equipment shall submit the equipment to the Bureau for calibration or re-calibration against the National Measurement Standard.

(4) A person who contravenes any of the provisions of this section commits an offence.

[s. 22]

Appointment of
inspectors

48.—(1) The Minister may, at the request of the Bureau by notice published in the *Gazette*, appoint any public officer or officer of the Bureau as an inspector for purposes of this Act.

(2) Every person appointed as inspector under subsection (1) shall be furnished with a certificate of appointment signed by the Director General stating that the person is authorised by the Minister to act as an inspector for purposes of this Act.

[s. 23]

Powers of
inspectors
Act No.
8 of 2009 s. 19

49.—(1) An inspector may, for purposes of this Act, at all reasonable times—

- (a) enter upon any premises at which there is or is suspected to be a commodity in relation to which any compulsory standard or standards mark exists;
- (b) inspect and take samples of any commodity or any material or substance used, or likely to be, or capable of being, used in its manufacturing, production, processing or treatment and cause, any container within which there is or is suspected to be any quantity of the commodity, material or substance, to be opened;
- (c) inspect any process or other operation which is or appears likely to be carried out in those premises in connection with the manufacturing, production, processing or treatment of any commodity in relation to which a compulsory standard or standards mark exists;
- (d) require from any person the production of any book, notice, record, list or other document which is in the

possession or custody or under the control of that person or for any other person on his behalf and which the inspector believes to be relevant to any inspection or inquiry being carried out by him;

- (e) examine and copy any part of any book, notice, record, list or other document which appears to him to have relevance to his inspection or inquiry, and require any person to give an explanation of any entry in it and take possession of that book, notice, record, list or other document as he believes may afford evidence of an offence under this Act;
- (f) require information relevant to his inquiry from any person whom he reasonably believes to be or to have been employed at the premises or to have in his possession or custody or under his control any article referred to in this subsection; and
- (g) inspect any premises or registered products or unregistered products or certifies products to determine whether or not they are in conformity to the prescribed standards.

(2) An inspector entering any premises under subsection (1) shall, if so required, produce the certificate issued to him in accordance with the provisions of section 48 and may be accompanied, if necessary, by an independent witness.

[s. 24]

Compulsory
commodity recall

50.—(1) The Minister may, upon the recommendation of the Bureau, require the supplier of any defective commodity certified by the Bureau to—

- (a) recall the commodity and all other type that were supplied to him, in the manner, and within the period, specified in the order;
- (b) disclose to the public, or to a class of person specified in the order, in the manner and within the period so specified—
 - (i) the nature of any defect in any commodity identified in the order;

- (ii) the circumstances in which the use of any of such commodity is dangerous;
- (iii) procedures for disposal of such commodity; or
- (c) notify the public or a class of persons specified in the order, in the manner and within the period specified in the order, that the supplier undertakes to-
 - (i) repair the defective commodity;
 - (ii) replace the defective commodity; or
 - (iii) refund to a person to whom the commodity was supplied the price of the commodity, whether by the supplier or by another person within the period specified in the order.

(2) Where an order made under this section is still in force, a supplier of a commodity to which the order relates, fails to comply with the requirements or direction in the order, commits an offence.

[s. 25]

Obstruction

51. A person who resists, hinders or obstructs an inspector acting pursuant to section 49(1) or willfully fails to comply with any requirement made of him under the said subsection commits an offence.

[s. 26]

Registration of
premises
Act No.
8 of 2019 s. 20

52.-(1) A person shall not manufacture for sale, sell, supply or store food, food products or cosmetics except in premises registered under this Act.

(2) Every application for registration or renewal of registration of premises shall be made to the Bureau in the prescribed form, and be accompanied by such fees as the Bureau may prescribe.

[s. 26A]

General penalty

53.-(1) Where a person contravenes any of the provisions of this Act for which no specific penalty is provided, commits an offence and on conviction, shall be liable to imprisonment for a term not less than two years or to a fine not less than

fifty million shillings and not exceeding one hundred million shillings or to both.

(2) On a second or subsequent conviction of any person for an offence committed under this Act, that person shall be liable to imprisonment for a term not less than three years or to a fine not less than fifty million shillings and not exceeding one hundred million shillings or to both.

(3) On the conviction of any person for an offence under this Act, the court may, in addition to any other penalty which may be imposed, order the confiscation of all or any part of any goods in respect of which the offence was committed, and all goods so confiscated shall be disposed off in the manner which the court directs.

[s. 27]

Commission of an
offence by body
corporate

54. Where any offence under this Act is committed by a body corporate then, as well as the body corporate, any person who, at the time of the commission of the offence, was holding the office of a Director General, Chief Executive Officer, or an officer, with the management of the affairs of such body corporate commits an offence and shall be liable to be proceeded against and punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge of the commission of the offence.

[s. 28]

Liability of
employer or
principal

55. Where any offence under this Act committed by a person as an agent or employee then, as well as the agent or employee, the principal or employer commits an offence and on conviction shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge and could not, in exercising reasonable diligence, have had knowledge of the commission of the offence.

[s. 29]

Compounding of offences

56.—(1) The Bureau may, where it is satisfied that a person has committed an offence under this Act, compound the offence by accepting from such person a sum of money not exceeding twenty million shillings.

(2) The powers conferred under this section shall be exercised when a person admits that he has committed the offence under this Act.

(3) Subject to the provisions of subsection (5), where proceedings are brought against a person for an offence under this Act, it shall be a good defence if that person proves that the offence with which he is charged has been earlier compounded.

(4) Any sum of money received under this section shall be dealt with as if the sum of money were a fine imposed by the court of law for the offence.

(5) Where an offence is compounded under the provisions of this section, the court may make an order under section 53, as if the person concerned had been convicted by the court for that offence.

(6) The order shall not be made under subsection (5) unless the person concerned had first had an opportunity of showing cause against the making of the order.

[s. 30]

PART VIII GENERAL PROVISIONS

Minister may give directions to Board

57. Subject to this Act, the Minister may give the Board directions of a general or specific nature and the Board shall give effect to every direction given.

[s. 31]

Protection of Government, Bureau, Board members and employees against claims in relation to standards mark

58. The fact that any commodity complies or is alleged to comply with a compulsory standard or has been or is alleged to have been manufactured, produced, processed or treated in accordance with that standard or that a standards mark is used in connection with any commodity, shall not give rise to any

claim against the Government, the Bureau or the Board or any of its members or employees.

[s. 32]

Protection of
Board members
and officers of
Bureau

59.—(1) A matter or thing done by any member of the Board or an officer of the Bureau shall not, if done *bona fide* in the execution or purported execution of the functions conferred upon that member or officer by this Act or by regulations or by-laws made under it, render the member or officer personally liable for that matter or thing.

Cap. 16
Cap. 76

(2) For the avoidance of doubt, it is hereby declared that the provisions of this section shall be without prejudice to the provisions of section 284A of the Penal Code or the provisions of the Public Officers (Recovery of Debts) Act.

[s. 33]

Disclosure of
information

60. A person who is or has been engaged in the administration of this Act and discloses, except for the purpose of the exercise of his functions or when required to do so by a court or under any written law, any information acquired by him in the exercise or purported exercise of his functions under this Act to any other person commits an offence and on conviction, shall be liable to penalties prescribed by section 53.

[s. 34]

Prohibition of
victimisation

61.—(1) An employer shall not terminate the employment of any person employed by him or reduce the rate or remuneration of that person or otherwise alter the conditions of his employment to conditions less favourable to him, alter or lower his position to his disadvantage relative to other persons employed by that employer by reason only of the fact that he believes or suspects, whether or not the belief or suspicion is justified or correct, that the person has given any information which he could be required under this Act to give to an inspector or has complied with any lawful requirement by an inspector or has given evidence in any proceedings under this Act.

(2) An employer who contravenes any of the provisions of subsection (1) commits an offence and on conviction, shall be liable to the penalties prescribed by section 53, and the court convicting such employer may, in addition to any penalty it imposes, order the employer-

- (a) to restore the rate of remuneration or conditions of employment or the position of an employee to that which existed immediately before, and with effect from, the date of the reduction, alteration or lowering which gives rise to the conviction;
- (b) to pay to any employee whose dismissal is the subject of the convictions a sum estimated by the court to be equal to his total remuneration for any period not exceeding twelve months calculated according to the rate at which he was being remunerated at the time of his dismissal.

(3) In any proceedings for an offence under subsection (2), if the court is satisfied that the employee's employment was terminated or that his remuneration was reduced or that his terms of employment were adversely varied within twelve months of the employee having given any information to an inspector or complied with a requirement made by an inspector or given evidence in any proceedings under this Act, the court may, unless it is satisfied to the contrary, presume that such termination of employment, reduction of remuneration or variation of terms of employment was made by the employer because of the employee having given the information, complied with the requirement or given the evidence, as the case may be.

(4) An order made under subsection (2)(b) may be enforced as if it were a decree issued by a court in the civil proceedings in favour of the employee concerned.

[s. 35]

PART IX

MISCELLANEOUS PROVISIONS

Regulations
Act No.
8 of 2019 s. 21

62.—(1) The Minister may make regulations generally for the better carrying out of the provisions and purposes of this Act.

(2) The Minister responsible for local government authorities, in consultation with the Minister, may make by-laws for the implementation of this Act.

(3) Without prejudice to the generality of subsection (1), the regulations may provide for—

- (a) provisions for matters in respect of which fees, levies and other charges shall be payable;
- (b) the amount of the fees, levies and other charges, and the persons who shall be liable for their payment thereof;
- (c) forms to be used;
- (d) matters connected with appeals;
- (e) matters related or connected with premises registration or registration of food, food products or cosmetics;
- (f) provisions for requiring persons to supply relevant information; and
- (g) anything which, under this Act, is to be prescribed, and in particular the procedure to be followed by the Bureau in the performance of any of its functions under this Act.

(4) Regulations and by-laws made under this Act may provide for a penalty not exceeding one hundred million shillings and not less than five million shillings or a term of imprisonment not exceeding five years or to both.

[s. 36]

Fees and
allowances

63. The Minister may, by directions under his hand, prescribe the fees and allowances payable to the members of the Board.

[s. 37]

Repeal

64.—(1) [Repeals the Standards Act. No. 3 of 1975]

(2) Notwithstanding the repeal of the Standards Act—

- (a) all subsidiary legislation and all exemptions made or given under that Act which are in force on the appointed day shall be deemed to have been made or given under this Act, and shall remain in force until revoked by subsidiary legislation made under this Act or until it otherwise expires or ceases to have effect;
- (b) all officers appointed pursuant to the provisions of the Standards Act to perform functions specified under the Bureau's Staff Regulations and Scheme of service made under that Act, shall, unless their appointments are revoked or any officer otherwise ceases to hold office or are re-appointed, be deemed to be authorised officers appointed under this Act.

[s. 38]

SCHEDULE

(Made under section 5(2))

Construction

1. In this Schedule, unless the context otherwise requires—
 “appointing authority” means, in relation to the Chairman of the Board, the President and in relation to any other member, the Minister;
 “member” includes the Chairman.

Composition of Board

2.—(1) The Board shall consist of—

- (a) Chairman;
- (b) a representative from the Tanzania Private Sector Foundation;
- (c) one member from Small and Medium Industries;
- (d) one member from the higher learning institutions;
- (e) a member from the Ministry responsible for finance;
- (f) a member from the Ministry responsible for health;
- (g) a member from the Ministry responsible for industries and trade;
- (h) a Law Officer from the Office of the Attorney General;
- (i) a member from the Fair Competition Commission; and
- (j) two members who have knowledge and experience in standards work, science, technology or environment.

(2) In making appointments under paragraph 1, the Minister shall ensure that, there is a gender balance.

Proceedings not to be invalid by reason of irregularity	3. An act or proceedings of the Board shall not be invalid by reason only of the number of members not being complete at the time of the act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentitled to act as such.
Tenure of appointment	4.-(1) A member of the Board shall, unless his appointment is sooner determined by the appointing authority or he otherwise ceases to be a member hold office for the period which the appointing authority may specify in his appointment, or if no period is so specified for a period of three years from the date of his appointment be eligible for re-appointment for one further term: Provided that, in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office. (2) Any member of the Board may, at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or where no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.
Absence from three consecutive meetings	5. Where any member absents himself from three consecutive meetings of the Board without reasonable excuse, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.
Appointment of temporary member	6. Where any member is, by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Board, the appointing authority may appoint a temporary member in his place and that temporary member shall cease to hold office on the resumption of office of the substantive member.
Vice-Chairman	7. The Board shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold the office of Vice-Chairman for a term of one year from the date of his election and be eligible for re-election.
Powers of Chairman and Vice-Chairman	8.-(1) The Chairman shall preside all meetings of the Board. (2) Where at any meeting of the Board the Chairman is absent, the Vice-Chairman shall preside. (3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Board, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.

	(4) The Chairman, Vice-Chairman or a temporary Chairman presiding at any meeting shall have a casting vote in addition to his deliberative vote.
Meetings and Procedure of Board	9.—(1) The Board shall meet not less than twice in every year and at any additional times which may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman. (2) The Chairman or, in his absence from the United Republic, the Vice-Chairman may, and shall upon application in writing by at least five members, convene a special meeting of the Board at any time. (3) The Secretary of the Board shall give to each member adequate notice of the time and place of meeting.
Quorum	10. At any meeting of the Board not less than one-half of the members in office for the time being shall constitute a quorum.
Decisions of Board	11. Subject to the provisions relating to a casting vote, all questions at a meeting of the Board shall be determined by a majority of the votes of the members present.
Decision by circulation of papers	12. Notwithstanding the preceding provisions of this Schedule, decisions may be made by the Board without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority of them in writing: Provided that, any member shall be entitled to require that the decision be deferred and the subject matter be considered at a meeting of the Board.
Seal of Board	13.—(1) The seal of the Board shall be of the shape, size and form which the Board may determine. (2) The seal shall be authenticated by the signature of the Chairman, the Secretary or any officer of the Bureau authorised to act in that behalf by the Board.
Signification of other documents	14. All documents other than those required by law to be under seal, to be executed by the Board and all decisions of the Board, shall be signified under the hand of the Chairman, the Secretary, any member of the Board or an officer of the Bureau authorised in that behalf by the Board.
Record of proceeding of Board	15.—(1) The Board shall cause the minutes of all proceedings of meetings of the Board to be entered in a book kept for that purpose. (2) The minutes if purporting to be approved by, and signed by the Chairman of the next succeeding meeting of the Board shall be

Board may
regulate its
proceedings

evidence of the proceedings and until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly convened and all proceedings thereat to have been duly transacted.

16. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

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