

Tanzania

Produce Export Act Chapter 137

Legislation as at 31 July 2002

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Produce Export Act
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Produce Export Act

Chapter 137

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Ords. Nos. 7 of 1929; 10 of 1943; 9 of 1954; G.N.s Nos. 478 of 1962; 201 of 1970]

An Act to provide for the grading, inspection, regulation and preparation of produce to be exported from Mainland Tanzania.

1. Short title

This Act may be cited as the Produce Export Act.

2. Interpretation

In this Act, unless the context requires otherwise—

"**brand**" when used as a verb means to step, mark, label or in any other manner distinguish by visible sign, and, when used as a noun, has a corresponding meaning;

"**export**" means export from Mainland Tanzania for purposes of sale;

"**inspector**" means a person generally or specifically designated by the Commissioner for the time being responsible for agriculture or as the case may be for veterinary services to examine or grade produce intended for export;

"**Minister**" means the Minister for the time being responsible for agriculture;

"**prescribed**" means prescribed by rules under this Act.

"**produce**" or "product" means any article whatever produced or derived from farming or agricultural operations or stock-keeping which the Minister for Agriculture may from time to time declare to be produce for the purpose of this Act.

3. Prohibition of export except through prescribed ports or without inspection

No person shall export or cause or permit to be exported or attempt to export, any produce to which this Act applies—

- (a) except from a port prescribed by rules under this Act; and
- (b) unless such produce shall have been inspected, graded or inspected and branded in manner prescribed by the inspection rules:

Provided that where such rules do not prescribe a port for the export of such produce, nothing in this Act shall prevent the export of such produce from any port.

4. Prohibition of export of unsound produce

- (1) No person shall export or cause or permit to be exported or attempt to export—
 - (a) produce intended for human consumption which at the time of presentation for export is unfit for such consumption;
 - (b) produce which owing to its condition or for any other reason is unlikely to be brought to its destination in a sound or good marketable state; or
 - (c) produce of any animal intended for human consumption, which is infected with any disease rendering such produce unfit for such consumption.
- (2) The question whether any produce is or is not in such a condition as would render it subject to any of the prohibitions contained in this section, shall be determined by an inspector according to the instructions given generally or specifically by the Commissioner for the time being responsible for agriculture or as the case may be for veterinary services.

5. Seizure and destruction of diseased animal and unsound produce intended for export

- (1) If any produce intended for human consumption is found at the time of inspection or at the time of its presentation for export, to be unfit for such consumption, an inspector may cause it to be seized and destroyed or otherwise dealt with or disposed of, in a manner that such intended produce cannot be used for human consumption for export or as food for animals:

Provided that any moneys received from such disposal shall, after deduction of the expenses incidental thereto, be paid to the owner of the carcass.

- (2) Where an inspector has good ground for believing that any animal is to be slaughtered and that the meat is intended for export, he may, if such animal is found to be so infected with disease as to render the meat unfit for human consumption, cause the animal to be seized and slaughtered and the carcass dealt with or disposed of as the inspector may determine, but in such a manner that such carcass cannot be used either for human consumption or as food for animals:

Provided that any moneys received from such disposal shall, after deduction of the incidental expenses be paid to the owner of the carcass.

6. Registration of certain premises and producers

- (1) No person shall export or cause or permit to be exported or attempt to export—
 - (a) the meat or the produce of the meat of any animal, unless the place where such animal was slaughtered was at the time of slaughter, registered by the Commissioner for the time being responsible for veterinary services in accordance with the provisions of this section;
 - (b) any milk product, its composition or its substitute, unless the premises from or in which, such milk product, composition or substitute was collected, prepared or stored at the time of recollection, preparation or storage, registered by the Commissioner for the time being responsible for veterinary services in accordance with the provisions of this section.
- (2) The Commissioner for the time being responsible for veterinary services may, on application being made in that behalf, register any slaughtering place in which meat or the produce of meat is to be prepared for exportation and any premises in which milk products, compositions or substitutes are collected, prepared or stored for exportation, if in his opinion such place or premises are suitable for such purpose.
- (3) There shall be allotted to every place or premises registered under subsection (2) of this section a registration certificate and number, and the person to whom such certificate is issued, shall have the exclusive right to use that registration number for the purpose of designating the meat, milk products, compositions or substitutes manufactured at such place or premises.

(4) For the purposes of this section—

- (a) meat and the produce of meat;
- (b) milk products, its compositions and substitutes; and
- (c) produce intended for use as seed,

shall be deemed to be produce within the meaning of this Act, notwithstanding that a declaration has not been made on in that behalf under the provisions of section 2 of this Act.

7. Power to enter premises and give directions

For the purposes of this Act, every inspector and any person generally or specifically authorised in writing by or on behalf of the Commissioner for the time being responsible for agriculture or as the case may be for veterinary services may, at all reasonable times enter any registered place or premises or the land or premises of any registered grower or any premises in which the inspector or that other person has good reason to believe that any produce is kept which is intended for exportation and, may examine any part of such place or premises or any receptacle or package in such place or premises and may give such directions in regard to the method of cultivation or treatment of any such produce as he may consider necessary to ensure that the produce will be exported in a proper condition.

8. Causes for which registration may be cancelled

Where the occupier of any place or premises registered under section 6 of this Act or any producer registered under that section, fails to keep the place or premises or land in such a condition or does not possess such appurtenances or facilities, as ensure that the produce produced by him for export will be fit for export in conformity with the provisions of this Act or fails to carry out any directions given to him under section 7 of this Act or has been convicted of any breach of the provisions of this Act or rules made under the Act, the registration may be cancelled.

9. Information to be supplied by producers

Every producer of produce intended for use as seed or of other produce as defined by in section 2 of this Act shall, on being requested by the Commissioner for the time being responsible for agriculture or as the case may be for veterinary services, furnish such information concerning the production and shipment of such produce as may be specified in the request.

10. Rules

(1) The Minister may make rules providing for the following—

- (a) the specific designation under which any particular kind of produce may be exported and the definition of each such kind of produce;
- (b) the percentage of impurity and the maximum amount of moisture which may be present in different kinds of produce intended for export;
- (c) the standard of composition and the maximum percentage of moisture, salt, preservatives or other substances in milk products, milk compositions or milk substitutes, margarine and butter substitutes intended for export and the prohibition of the export of any such article in which the prescribed requirements are not maintained;
- (d) the prohibition of the export of produce which has been so treated as to give it the appearance of an article of different commercial value;
- (e) the inspection of animals the produce of which is intended for export and the inspection of the place or premises in which animals are slaughtered or the premises in which produce is prepared manufactured or otherwise dealt with;

- (f) the time and place at which and, the manner in which, notice of intention to export shall be given, the manner of packing, the size, description, quality and material of the receptacles to be used, the weight of the contents and the marking of such weight and of the receptacles;
 - (g) the time and place at which delivery of the produce shall take place at the port of shipment;
 - (h) the place and manner of storage, the conveyance and the treatment of any produce;
 - (i) the inspection of produce, the fixing of grades, the place and manner of inspection and of grading or branding of any produce and the manner in which different designations or grades of produce, shall be branded or indicated whether on the receptacle or on a certificate of an inspector or otherwise;
 - (j) the percentage which shall be inspected in any one consignment;
 - (k) the temperature at which conveyance by rail and shipment of the produce shall take place;
 - (l) the abstraction or removal of samples by an inspector for examination, inspection or analysis;
 - (m) the circumstances in which different kinds of produce may be accepted or rejected and, degraded, regraded or rebranded by an inspector after examination and inspection;
 - (n) the circumstances in which and the condition on which produce inspected and graded may be withdrawn from shipment;
 - (o) the forms of notices, certificates and other documents to be used or issued for the purpose of this Act;
 - (p) the fees which shall be paid by the owner or the consignor of produce or animals for grading and for inspection; and
 - (q) generally for the better carrying out of the objects and purposes of this Act.
- (2) Rules made under paragraph (p) of subsection (1) of this section, shall be laid before the National Assembly for confirmation by resolution immediately after the National Assembly be then in session and, if not in session, immediately after the commencement of the next session and in any case where the rules confirmed by resolution of the National Assembly within twenty-one days after such rules are laid before the National Assembly, the rules shall be void, but without prejudice to the validity of anything done under the rules or to the power to make new rule.

11. Obstruction, resistance or hindrance

- (1) Any person who obstructs, resists or hinders an inspector in the lawful exercise of the powers or duties under this Act or under any rule made under the Act, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings.
- (2) Any person who fails, within the time required by an inspector, to remove any produce from any place of inspection, reception or shipment where such removal is so required shall be guilty of an offence and if liable on conviction to a fine not exceeding one hundred shillings for every day during which the offence continues.

12. Forging certificate or brand and false warranties

- (1) Any person who forges or utters knowing it to be forged, any certificate brand, or label or any writing or signature required by or provided for in this Act, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the offence of forgery under the Penal Code¹.

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- (2) Any person who wilfully applies to produce intended for export, a certificate, invoice, label or warranty given in relation to any other produce, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding twelve months.
- (3) Any person who with intent to deceive issues a written warranty, invoice, label or certificate or notification in respect of produce intended for export shall, if such written document falsely describes such produce or is false in any other material particular, be guilty of an offence and liable on conviction to the penalties prescribed for the offence of cheating.

13. Penalty

Any person who contravenes any provision of this Act or of any rule made under the Act or fails to comply with any provision with which it is his duty to comply, shall, if no penalty is specifically provided for the contravention or failure, be liable in the case of a first conviction, to a fine not exceeding two thousand shillings or in the case of a second or subsequent conviction, to a fine not exceeding five thousand shillings or in default of payment of fine in either case, to imprisonment for a term not exceeding six months.

14. Appointment of Board of Appeal

- (1) If any person is aggrieved by any decision of or action taken by, an inspector under this Act, the inspector shall, if required by such person, state in writing the reasons for the decision or action and the matter shall be referred to a Board which shall be appointed by the Commissioner for the time being responsible for agriculture or as the case may be for veterinary services, or at the request of such Commissioner, by an administrative officer.
- (2) The decision of the Board in the matter shall be in writing and shall be final.
- (3) Before any matter is referred to the Board, the person aggrieved shall deposit with the inspector such reasonable amount as, in the opinion of the officer appointing the Board, will be sufficient to defray the necessary expenses which will be incurred by the Board but the amount so deposited, shall be refunded to such person if the appeal is upheld by the Board.