

THE UNITED REPUBLIC OF TANZANIA



No. 10 OF 1967

I ASSENT,

*Julius K. Nyerere*

President

27TH APRIL, 1967

**An Act to make provision for the Orderly Promotion and Development of Industries, to provide for the Registration and Licensing of certain Industries and for Matters relating thereto and connected therewith**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

**PART I**

**PRELIMINARY**

1. This Act may be cited as the National Industries (Licensing and Registration) Act, 1967 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title  
and  
commence-  
ment

2. In this Act, unless the context otherwise requires—

Interpreta-  
tion

“the Board” means the Industrial Licensing Board established under section 9;

“certificate of registration” means a certificate of registration of an industry issued under section 8;

“chairman” means the chairman of the Board and includes the vice-chairman;

“factory” means any building or place, and any machinery or plant therein or thereon, intended to be used or used for manufacture;

“industry” means any factory—

- (i) in which ten or more workers are employed on any day; or
- (ii) the capital cost of which exceeds the sum of two hundred thousand shillings;

“industrial licence” means an industrial licence granted under the provisions of this Act;

“licensee” means the person to whom an industrial licence has been granted, and includes the person to whom such licence is transferred in accordance with the provisions of this Act;

“manufacture” with its grammatical variations and cognate expressions, means—

- (i) the production of any article by the process of mechanical or chemical transformation of any inorganic or organic substance, whether such transformation is carried out by power driven machinery or by manual labour; or
- (ii) the making, processing, altering, repairing, ornamenting, finishing, cleaning or washing or the breaking up or demolition of any article; or
- (iii) the adapting for sale of any article, and includes the assembly of component parts of manufactured products;

“member” means a member of the Board and includes the chairman;

“the Minister” means the Minister for the time being responsible for industries;

“operative date” means, in relation to a prescribed article, the date specified in the order made under section 11 as being the date from which the article shall be a prescribed article;

“prescribed article” means any manufactured article declared by the Minister under the provisions of section 11 to be a prescribed article;

“Registrar” means the Registrar of Industries appointed under section 3 and includes Assistant Registrars of Industries;

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“scheduled article” shall have the meaning assigned to it in the East African Industrial Licensing Ordinance;

“worker” means any person employed in any industry by the owner of such industry whether he performs his duties in relation to the industry at any factory engaged in the industry or outside such factory.

(2) For the purposes of this Act an industry shall be deemed to have been established when any article or component part of an article for the manufacture of which the industry is established is produced, whether or not such article or part is used, sold, exposed for sale or otherwise dealt with.

## PART II

## OFFICERS

3. The Minister may, by notice published in the *Gazette*, appoint a Registrar and Assistant Registrar of Industries and as many Assistant Registrars as he may think fit.

4. Any certificate, licence or other document purporting to be signed by the Registrar or an Assistant Registrar shall, until the contrary is proved, be deemed to have been so signed by him and may be proved by the production of a copy thereof purporting to have been so signed.

## PART III

## REGISTRATION OF INDUSTRIES

5. This Part shall apply to all industries other than industries for the manufacture of prescribed articles.

6.—(1) No person shall, after the commencement of this Act, establish any industry unless he has obtained a certificate of registration in respect of the industry.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

7.—(1) Where at the commencement of this Act any person is the owner of any industry he shall, within ninety days of the commencement of this Act, apply for a certificate of registration in respect of the industry.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

8.—(1) Every application for a certificate of registration shall be made to the Registrar and shall give such particulars as may be prescribed.

(2) Upon receipt of an application and on being satisfied that all the particulars required to be given therein have been given the Registrar shall issue a certificate of registration in the prescribed form in respect of the industry.

## PART IV

## INDUSTRIAL LICENSING BOARD

9. There is hereby established a Board to be known as the Industrial Licensing Board which shall have such functions and powers as are conferred upon it by this Act.

10.—(1) The Board shall consist of—

- (a) a chairman appointed by the Minister;
- (b) a vice-chairman appointed by the Minister;
- (c) a member appointed by the Minister for the time being responsible for Development Planning;
- (d) such other members, being not more than three, as the Minister may appoint.

(2) All matters considered by the Board shall, in the event of a difference of opinion, be decided by the votes of a majority of the chairman and members present at any meeting, and in the event of an equality of votes, the chairman presiding over the meeting shall have a casting vote in addition to his deliberative vote.

(3) Three members (one of whom shall be the chairman or vice-chairman) shall constitute a quorum at any meeting.

## PART V

### OPERATION OF INDUSTRIAL LICENSING

Prescribed  
product

11.—(1) The Minister may, by order published in the *Gazette*, declare any article to be a prescribed article.

(2) Every order made under subsection (1) shall specify the date from which the article to which the order relates shall be a prescribed article.

Industrial  
licensing

12.—(1) Where an order has been made under section 11, no person shall, from and after the operative date, manufacture in Tanganyika any prescribed article except under and in accordance with the conditions of an industrial licence issued in that behalf under the provisions of this Act.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Application  
for industrial  
licences

13. Every application for an industrial licence for the manufacture of a prescribed article shall be made to the Board and shall be in the prescribed form.

Function of  
the Board

14. The Board shall consider all applications for industrial licences made to it under section 13 and may, subject to the provisions of this Act, in its discretion grant or refuse any application, and in considering any such application, the Board shall, in addition to all such matters which it may consider relevant, have regard to—

- (a) the capital, technical skill and raw materials available to the applicant;
- (b) the siting, or proposed siting, of the industry in relation to the availability of power, fuel, labour, transport, raw materials, land and water;
- (c) the potential production of, and the potential demand for, both within the United Republic and elsewhere, the prescribed article for the manufacture of which the industry is proposed to be established, insofar as, in the opinion of the Board, such production and demand is likely to affect the industry in respect of which the application is made;
- (d) the interests and conditions of service of the labour employed or to be employed by the applicant;
- (e) the interests of the potential consumers of the prescribed article for the manufacture of which the industry is proposed to be established;



- (f) the general promotion and development of industries within Tanganyika and the avoidance of uneconomic competition;
- (g) the fair distribution of industries on a regional basis having regard to the factors specified in paragraph (b).

15. Every industrial licence granted by the Board—

Industrial  
licence

- (a) shall specify the prescribed article for the manufacture of which the licence is granted; and
- (b) shall specify and be subject to such conditions as the Board may think fit to impose.

16. No industrial licence shall be transferable except with the prior approval of the Board.

Transfer of  
licence

17. Every application for approval of a proposed transfer of an industrial licence shall be made to the Board in the prescribed form, and the Board may, in its discretion, grant or refuse the application and may, if the application is granted, attach conditions to the licence and, where conditions are already attached to the licence which is sought to be transferred, may add further conditions thereto or vary or delete existing conditions.

Application  
for transfer

18. The conditions attached to an industrial licence granted under the provisions of this Part may be varied by the Board either on its own motion or on an application made to it by the licensee in the prescribed form.

Variations  
of conditions

19.—(1) The Board shall, as soon as practicable, meet for the purpose of inquiring into every application for an industrial licence, or for approval of a transfer of an industrial licence, or for variation of conditions attached to an industrial licence, made to it under the provisions of this Part.

Proceedings  
of the Board

(2) The date, time and place of such inquiry shall be notified by the Registrar to the applicant.

(3) The Board shall investigate every application and shall hear and consider all relevant evidence and matters submitted by or on behalf of the applicant.

(4) Save as is provided in this section the procedure at any inquiry held by the Board shall be within the discretion of the Board.

20.—(1) Where the Board is satisfied that a licensee has—

Revocation  
of licence

- (a) failed to comply with any condition attached to his licence; or
- (b) failed or ceased to operate the industry in respect of which the licence was granted to him,

the Board may, in its discretion, call upon him to show cause why his licence should not be revoked; and for such purpose the Board may hold such inquiry as it may think fit.

(2) If a licensee who has under subsection (1) been called upon to show cause why his licence should not be revoked fails to do so or fails to do so to the satisfaction of the Board, the Board may revoke such licence from such date as the Board may decide or may make such other order, including variation of the licence or of the conditions attached thereto, as it may think fit.

Functions  
of the  
Registrar in  
relation to  
the Board

**21.—**(1) All acts and decisions of the Board shall be signified through the Registrar.

(2) The Registrar shall communicate the decision of the Board to the applicant and shall—

- (a) where the Board has approved an application for the grant of an industrial licence, issue to the applicant a licence in the prescribed form;
- (b) where the Board has approved the transfer of an industrial licence, call for and amend the licence or call for and cancel the licence issued to the transferor and issue a fresh licence to the transferee;
- (c) where the Board has varied the conditions of an industrial licence, call for the licence issued to the licensee and amend the same or issue a fresh licence;
- (d) where the Board has revoked any industrial licence, call for and cancel the licence.

Existing  
industries

**22.—**(1) Where on the operative date in respect of any prescribed article any person was in Tanganyika manufacturing the article he shall, within ninety days of the operative date, apply to the Board for an industrial licence in respect of the prescribed article.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

(3) Where an application is made under subsection (1) the Board shall, notwithstanding the provisions of section 14, grant to the applicant an industrial licence in respect of the prescribed article but save as aforesaid all the provisions of this Part shall apply to such application and to the industrial licence granted to the applicant.

Where  
prescribed  
article is  
also a  
scheduled  
article

**23.—**(1) Where a prescribed article is also a scheduled article the Board shall not grant an industrial licence for the manufacture of such article unless it is satisfied that the applicant has been granted a licence for the manufacture of the article in Tanganyika under the provisions of the East African Industrial Licensing Ordinance.

(2) Where the applicant satisfies the Board that he has been granted a licence under the provisions of the East African Industrial Licensing Ordinance, the Board shall grant to him an industrial licence under the provisions of this Part in respect of the article.

(3) The Board shall have no power to attach any condition to, or to vary or revoke, any industrial licence granted under subsection (2) for so long as the article in respect of which the licence is granted remains a scheduled article:

Provided that where a licence granted for the manufacture of a scheduled article is revoked under the provisions of the East African Industrial Licensing Ordinance and such revocation is not set aside on an appeal made there against under the provisions of that Ordinance, the industrial licence granted in respect of the article shall be deemed to have been revoked.

(4) Save as is provided in subsection (3) the provisions of section 12 and section 22 shall apply to every person to whom this section applies.

#### PART VI APPEALS

Appeals to  
the Minister

24.—(1) Any person who—

- (a) being an applicant for the grant of an industrial licence, or for the transfer of or variation of the conditions attached to an industrial licence, is aggrieved by the decision of the Board; or
- (b) being a holder of an industrial licence, is aggrieved by the revocation or variation thereof,

may, within the time and in the manner prescribed, appeal to the Minister.

(2) On any appeal made to the Minister under this section, the Minister may affirm, reverse or vary the decision of the Board or may make such other order as may appear to him necessary and just.

#### PART VII MISCELLANEOUS

25. Any person guilty of an offence under this Act shall be liable Penalty on conviction to a fine not exceeding three thousand shillings.

26. The Registrar shall maintain a register of the industries in respect Registers of which certificates of registration have been granted under Part III, and a register of industries in respect of which industrial licences have been granted, and shall enter in such registers such particulars as may be prescribed.

27. The Minister may, by order published in the *Gazette*, exempt Exemptions any industry or any category of industries from all or any of the provision of this Act.

28.—(1) The Minister may make regulations for the better carrying Regulations out of the provisions and purposes of this Act and without prejudice to the generality of the foregoing may make regulations—

- (a) requiring owners of industries to keep records of the number of workers employed, the conditions of service, the level of production and of such other matters as he may think necessary;
- (b) requiring the owners of industries to make returns relating to such matters as he may think necessary;
- (c) prescribing the forms to be used and the particulars to be furnished for any of the purposes of this Act;
- (d) providing for the grant of copies of licences and certificates;

- (e) prescribing fees for applications, licences and registration;
  - (f) prescribing anything which under the provisions of this Act may be prescribed.
- (2) In addition to making such provisions as in subsection (1), regulations made under this section may fix such penalty, not exceeding a fine of one thousand shillings, for the breach of or non-compliance with any regulation.

Passed in the National Assembly on the seventeenth day of April, 1967.

*Samuel M. M. M. M.*  
Clerk of the National Assembly

