

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1984

I ASSENT,
Julius K. Nyerere
President
18 September 1984.

An Act to provide for the establishment of the Industrial Promotion and Development Fund and for the Management of that Fund

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Industrial Promotion and Development Fund (Establishment and Management) Act, 1984, and shall be deemed to have come into operation on the first day of July, 1984. Short title and commencement

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

“Co-operative Society” means a co-operative society registered under the Co-operative Societies Act, 1982; Interpretation
Acts, 1982
No. 14

“District Development Corporation” means a District Development Corporation established under the District Corporations Act, 1973;

“Foreign Government” includes any agency of such government;

“Fund” means the Industrial Promotion and Development Fund established under section 3;

“International Organization” includes specialized agencies of the United Nations Aid Foundations, or other Multilateral Aid Institutions;

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

“Investment Bank” means the Tanzania Investment Bank established by the Tanzania Investment Bank Act, 1970. Act, 1970
No. 20

PART II

THE INDUSTRIAL PROMOTION DEVELOPMENT FUND

Establishment of the Fund

3. There is hereby established a fund to be known as the Industrial Promotion Development Fund.

Purpose of the Fund

4. The purposes for which the Fund is established are—

- (a) financing by way of loan or equity fixed investment by parastatal organizations, District Development Corporations, or Co-operative Societies engaged in the manufacture, production or processing of consumer or industrial raw materials and products;
- (b) financing by way of loan or grant, procurement or purchase of raw materials and spare parts by parastatal organizations, co-operative societies or private enterprises engaged in the manufacture, production or processing of consumer or industrial raw materials and products;
- (c) financing by way of loan or grant, research or study by or for the benefit of organizations, enterprises or industries engaged in the manufacture, production or processing of consumer or industrial raw materials and products;
- (d) financing by way of loan or grant, the training of citizens of the United Republic as—
 - (i) industrial operators and technicians;
 - (ii) maintenance and repair personnel;
 - (iii) material management offices, or in any similar crafts;
- (e) financing by way of loan or grant any project agreed or approved for implementation pursuant to any Agreement or Memorandum of Understanding between the Government of the United Republic and Foreign Government or International Organization.

Resources of the Fund

5. The resources of the Fund shall be—

- (a) the whole of the proceeds of import support which may be received by the Government from foreign governments and international organizations;
- (b) such sums as may in any manner become payable to or vested in the Fund either under the provisions of any written law or incidental to its administration by the Investment Bank.

Management of the Fund

6.—(1) The Investment Bank shall administer the Fund as a Special Fund and, subject to the provisions of this Act, section 8 of the Tanzania Investment Bank Act, 1970 and other provisions of that Act regulating Special Funds shall apply to that Fund.

(2) The Investment Bank shall maintain the Fund in separately designated bank account or accounts and shall manage the same in accordance with such directions as the Minister may, from time to time issue:

Provided that the Investment Bank shall not make any payment out of the Fund save with the consent in writing of the Treasury Registrar in accordance with the agreed annual expenditure programme.

(3) Notwithstanding the foregoing provisions, the Bank may where circumstances so require, administer part of the Fund and maintain accounts for such part of the Fund jointly with a Foreign Government or International Organization.

(4) Where any payment out of the Fund is made for the purchase of any equity investment, such equity investment shall be held by—

- (a) the Investment Bank;
- (b) any Parastatal Organization;
- (c) any District Development Corporation;
- (d) any Co-operative Society;
- (e) the Treasury Registrar,

as the Treasury Registrar may direct, and any Parastatal Organization, District Development Corporation or Cooperative Society holding any such equity investment shall, at any time, on the direction of the Treasury Registrar, transfer the equity investment to any other organization specified by the Treasury Registrar or to the Treasury Registrar.

(5) The Minister may, by regulations, regulate the administration of the Fund.

(6) Any person who authorizes any payment out of the Fund in contravention of any provision of this Act or any direction given or of regulations made under this section shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(7) The Bank may deduct from the Fund a service charge to be determined by the Minister.

7.—(1) The Investment Bank shall cause to be provided and kept proper books of account of the payments made into and out of the Fund. Accounts and Audit

(2) The accounts of the Fund shall be audited annually by the Tanzani Audit Corporation and the audited accounts of the Fund shall be published at the same time as the audited accounts of the Investment Bank are published.

8.—(1) Where the Minister is satisfied that at the close of any financial year there are in the Fund moneys which are not immediately required for the purpose of the Fund (which moneys shall in this section be referred to as a "surplus"); he may, if in his opinion financial exigencies or the public interest so require, and notwithstanding any provision to the contrary contained in this Act or in any other written law, authorize the application of the whole or any part of the surplus for or towards defraying the development expenditure of any Ministry or Department of the Government in any financial year. Power of Minister to allocate moneys in the Fund

(2) Every authorization for the application of any surplus made under this section shall be sufficient authority, without further appropriation, to issue from the Fund the sum required for the purpose specified by the Minister.

(3) Where the Minister proposes to authorize application of any surplus other than that agreed to between the Government and any Foreign Government or International Organization, he shall first obtain the concurrence of the Foreign Government or the International Organization as the case may be.

This Act to apply notwithstanding provisions of any other written law

9. The provisions of this Act shall apply notwithstanding the provisions of the Exchequer and Audit Ordinance or any other written law and any allocation of any public revenue to the Fund shall be made without further appropriation.

Passed in the National Assembly on the twenty-fourth day of June, 1984.

