THE CEREALS AND OTHER PRODUCE REGULATIONS, 2011

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SCHEDULES

GOVERNMENT NOTICE NO. ……..... published on. ……..

CEREALS AND OTHER PRODUCE ACT
(CAP 274)

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REGULATIONS

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(Made under section 26)

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CEREALS AND OTHER PRODUCE REGULATIONS, 2011

PART I
PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Cereals and Other Produce Regulations, 2011.

Application

2. These Regulations shall apply to any Specified crops grown and processed in Tanzania Mainland as well as imported raw or processed Specified cereals and other produce which the Board is dealing with.

Interpretation

3. In these Regulations unless the context otherwise requires-

Cap. 274 "Act" means the Cereals and Other Produce Act;

Cap. 337 "Association" means an association formed and registered under the Societies Act;

"Authorized officer" means an officer appointed by the Director General or the Board to act on behalf of the Board;

"Board" means the Cereals and Other Produce Board of Tanzania established under section 4 of the Act;

"Branch" means the Zonal office of the Board established under regulation 5;

Cap. 211 "Cooperative Society" means the Cooperative Society registered under the Cooperatives Societies Act;

"Council" has the meaning ascribed to it under the Act.

"Council forum" means a meeting of zonal Cereals and Other Produce stakeholders referred to under Part VI;

"Director" means the Director responsible for Crop Development in the Ministry;

"grower" means an individual grower, association, cooperative society, company or any other entity producing Specified crops;

"initial price" means minimum price offered by the Board after consultation with Specified crops stakeholders in which specified cereals or any other produce will be bought;

"Minister" means the Minister responsible for Agriculture;

"other Produce" has the meaning ascribed to it under the Act;

"specified crop" means agricultural crops specified under these Regulations.

PART II
CRITERIA FOR PERFOMANCE OF THE COMMERCIAL FUNCTIONS OF THE BOARD

Specified crops

4.-(1) The Board shall, in executing its commercial functions, be limited to crops specified by the Minister in the First Schedule.

(2) The Minister may, by order published in the *Gazette*, amend, vary or replace all or any of the provisions of the First Schedule.

(3) The Minister shall, for the purpose of specifying crops under sub regulation (2) , consider the following criteria-

(a) standards and specification for regulating the specified crops are in place;

(b) production of specified crops meet Commercial Viability Test;

(c) written application for the addition of specified crops in the First schedule.

(4) An application under paragraph (c) of sub regulation (3) shall be made by the Council and submitted to the Minister for consideration.

(5) For the purpose of these Regulations, *Commercial Viability Test* shall include-

(a) evidence that the crop can be commercially traded or that there is market for that particular crop, both locally and internationally;

(b) necessary infrastructure including, roads, storage and warehousing is available; and

(c) Board has a technical and financial capacity to handle the trade.

(6) The Minister shall, within sixty days from the date of receipt of the written application in accordance with the provisions of sub regulation 1(c), notify the Council concerned of its decision.

Zonal branches and appointment of branch managers

5.-(1) The Board may, for the purpose of facilitating performance of its functions, establish branches in the zones to which it shall assign its commercial functions as provided for in the Act.

(2) The Board may appoint qualified persons to be zonal branch managers.

Obligation of Zonal branch managers to submit report.

6. Branch Managers shall attend zonal council meetings as members representing the Board and shall report the proceedings to the Director General of the Board.

PART III
PROMOTION OF SPECIFIED CROPS

Promotional functions

7.-(1) The Board shall participate in the implementation of shared functions as agreed by stakeholders at the Council meetings.

(2) The Board shall in the performance of its commercial functions take every initiative to promote contract farming and safeguard the interest of growers.

Regulation on production

8. The Board may, through its branches, enter into agreement with any Cooperative Society, Association, Company or individual grower in relation to-

(a) farming, purchase, distribution, storage, processing, grading, packaging and marketing of any specified crop;
(b) facilitation of extension service; and
(c) facilitation of good crop husbandry.

Good crop husbandry

9. The Board may recommend good agricultural practices of specified crops to growers in a specific agro-ecological zone.

Hygiene and quality matters

10. The Board shall ensure that any premise used for buying, selling, transportation or storage of Cereals and Other Produce complies with photo sanitary, hygienic and safety standards as provided by relevant authorities.

PART IV
QUALITY ASSURANCE, GRADING AND WEIGHING

Quality control and safety

11.-(1) The Board shall buy crops specified in the First Schedule to these Regulations.

(2) The Board shall, in performing its functions, observe safety and quality requirements as prescribed by the relevant authority.

Grading of specified crops

12.-(1) The specification for grading of each specified crop shall be in accordance with the approved national standards.

(2) If no national standards of grading is provided in the country, specified crop grading shall be based on international specified crop grading system or any other standard approved by the Minister.

Weighing equipments to be inspected and approved Cap 340

13. The weighing scales and measures to be used by the Board for purchase or sale shall be inspected and approved in accordance with the Weights and Measures Act.

Notification for weighing of specified crops.

14. The Board shall notify the grower of the time and place the weighing is due to take place and the grower may, either personally or by representation, be present at the weighing point.

PART V
MARKETING AND SALES PROCEDURES

Performance of commercial functions

15. The Board shall, in performing its commercial functions, safeguard the interest of growers by ensuring that the growers sell their produce at competitive price and are assured of market.

Direction of the Minister

16. The Directions given by the Minister under Section 21 of the Act may include-

(a) matters which are taken into account in determining the price of any specified crop to be purchased or sold by the Board;
(b) manner in which price may be computed; and
(c) installments by which price shall be paid.

Negotiations and setting of initial price

17.-(1) The Board may, after consultation with other stakeholders, set its initial price for buying specified crop for each year which shall be the minimal price in the purchase of specified crop.

(2) The initial price referred to under sub regulation (1) shall be determined by the Board based on the prevailing market price.

(3) The parties to a contract farming arrangement may negotiate for a price of specified crops above the minimal price.

PART VI
ZONAL COUNCIL FORUM

Composition of zonal council

18.-(1) The zonal councils established under section 15 of the Act shall be composed of representatives specified under the Second Schedule.

(2) A person shall not be eligible for selection under sub-regulation (1) unless he is conversant with the specified crops of a particular zone.

(3) The members of each zonal council shall have the right to vote at the zonal council meeting.

Tenure of zonal council membership

19. A member of the zonal council shall hold office for a term of three years from the date of appointment and may be eligible for re-appointment for a further term of three years.

cessation of membership

20. A person shall cease to be a zonal council member if he-

(a) resigns;

(b) dies;

(c) is convicted of an offence;

(d) is of unsound mind; and

(e) no longer lives in the zone.

Performance of zonal council functions

21. In performing its functions provided under section 15(3) of the Act, the zonal council shall-

(a) deliberate on funding mechanism of shared functions;

(b) establish its organs for the better carrying out of shared functions;

(c) recommend names of zonal council representatives to be appointed by the Board;

(d) discuss and approve development plans of specified crops;

(e) determine modalities for financing its meetings and activities; and

(f) implement any other matter for sustainability and stability of the specified crop.

Recommendation of council representatives

22.-(1) A Zonal council shall, by order of priority, recommend three names of persons to be council representative of which one person shall be appointed by the Minister to represent each agricultural zone in the Board.

(2) Three names of the persons recommended by the council under

sub-regulation (1) shall be from different clusters of stakeholders provided that one shall be a grower.

Procedures for convening the meeting

23 Without prejudice to the provisions of Section 16 of the Act, Zonal Councils may adopt a model of general meeting procedures as prescribed in the Second Schedule to these Regulations.

Zonal council secretariat

24. A zonal council shall establish a secretariat which shall-

(a) co-ordinate the implementation of all zonal council resolutions;
(b) prepare and coordinate meetings of the council;
(c) advise the council on technical matters;
(d) provide progress report on the implementation of zonal council resolutions;
(e) prepare and submit zonal council reports to zonal council members;
(f) establish and maintain a data bank of records and information of the zone;
(g) establish sources of revenue for the operation of zonal council activities; and
(h) perform any other matter as the zonal council may direct.

Disciplinary breach by members

25. Any member of a zonal council who-

(a) does not declare conflict of interest;
(b) without authority, conducts himself as an official spokesperson on behalf of the stakeholders;
(c) utters any false information;
(d) discloses information of the council without authorization;
(e) behaves in an unethical manner or conduct:

commits a disciplinary offence and shall be subjected to a disciplinary action in accordance with regulation 26.

Disciplinary proceedings

26.-(1) A zonal council member may submit to his chairperson a report of any disciplinary offence committed under regulation 25

(2) The chair person shall, upon receipt of a report under sub regulation (1), conduct a disciplinary proceeding in accordance with the procedures prescribed in the Second Schedule.

(3) A person aggrieved by a disciplinary action may, within thirty days from the date of the decision, lodge an appeal to the Minister.

(4) The Minister shall, within thirty days from receipt of appeal by an aggrieved person, make a decision in writing and serve a copy to the

aggrieved person.

(5) A decision made by the Minister under sub-regulation (4) shall be final.

Zonal Council working group

27.-(1) The zonal council meeting may form a working group as may deem necessary to perform specified functions.

(2) A working group established under sub-regulation (1) shall perform its activities under the terms of references provided to it by the zonal council.

PART VII
ADMINISTRATIVE MATTERS

Guidelines

28. The Board may issue administrative guidelines for better carrying out of its functions.

Employees of the Board Cap 298

29. An employee of the Board shall perform his functions based on the terms and conditions provided under the Public Service Act.

Terms of service

30. Terms of service of employees of the Board shall be as per prevailing staff regulations or employment contract.

Staff performance evaluation scheme

31. The Board shall develop staff performance evaluation scheme which shall base on the Cereals and Other Produce Board of Tanzania strategic plan.

Clients service charter

32. The Board shall establish a client's service charter to govern its staff.

PART VIII
MISCELLANEOUS

Information and data collection

33.-(1) The Board may collect, keep and maintain all statistical data and information relating to its functions.

(2) The data and information obtained under sub-regulation (1) may be accessed by public.

contracts entered into by the Board

34. No contract entered into between the Board and any other person shall, unless otherwise expressed in the terms of that contract, be void or unenforceable by reason only that performance of such contract or any term of such contract would be in contravention of any direction made under regulation 16.

Provided that-

(a) such contract was made before the date on which the direction is issued.

(b) the provision of this regulation shall cease to apply to any such contract upon the expiration of twelve (12) months from the date of such direction, and the expiration conferred by this regulation shall thereupon terminate.

Adherence to relevant laws

35. Without prejudice to any provisions of the Act and these Regulations, the Board shall perform its functions in accordance with the laws of the Country.

FIRST SCHEDULE

SPECIFIED CROPS

(Made under Regulation 4)

1. Maize

2. Paddy/Rice

SECOND SCHEDULE

Made under Regulation 23

PROCEDURES FOR ZONAL COUNCIL MEETING

1.0 Purpose

The first Council' meeting shall establish meeting procedures for operationalisation of council and proper conduct of its meeting. According to Section 16 of the Act the Council shall have power to regulate its own procedures in respect of the meetings and proper conduct of its business. The following schedule describes the modal procedures for the conduct of zonal council meeting which may be adopted by zonal council.

2.0 Structure and Membership

2.1 Composition

For the purpose of maintaining balance amongst stakeholder clusters, each Zonal Council meeting shall compose of representatives from each district or region growing specified crop and organizations with interest in Cereals and Other Produce Industry. The cluster representation shall be as follows and may be amended from time to time as agreed by stakeholders-

(1) Two Growers from every Local Authority.
(2) Two Traders from each Region.
(3) Two Input suppliers from every Region.
(4) Two Processors from every Region.
(5) Zonal Research and Extension liaison officer.
(6) Two Financial Institutions operating in each Zone.
(7) A Regional Authority representative.
(8) An Executive Director of each Local Authority.
(9) Any other representatives as agreed by the stakeholders.

3.0 Stakeholders' meetings

3.1 The Council secretariat shall schedule zonal councils' meetings on annual basis, or on an "as-needed" basis when requested by the Stakeholders of that specific zone.

3.2 The Council secretariat shall serve as facilitator for all zonal Council meetings.

3.3 Stakeholder Working Group meetings shall be scheduled on an "as-needed" basis by stakeholders.

3.4 Notice of each Stakeholder or Working Group meeting will be posted or advertised on the Newspaper of wide circulation. E-mail notifications shall be sent by the Council secretariat to the designated contact or signatory specified as well as to all other subscribers to the Stakeholder Process e-mail list. Meeting date, time, location, and draft agenda information shall be made available at least two weeks prior to each meeting.

3.5 Solicitation for meeting agenda items shall be included in each meeting announcement. Final meeting agenda and associated meeting materials shall be posted before the meeting.

3.6 Draft minutes of each Council meeting or Working Group meeting shall be made available through postings of each stakeholder. Notice of the posting of draft meeting minutes will be sent to all Stakeholder addresses.

3.7 Final minutes of each Stakeholder's meeting shall be adopted at the subsequent meeting.

3.8 Half of the members present shall constitute a Quorum of the meeting.

4.0 Chairperson of the meeting

4.1 The Council meeting as a whole shall appoint a Council meeting Chairperson. The Chairperson shall serve not more than two consecutive terms of a maximum of two *(2)* years per term. The Chairperson should step off for one *(1)* term after final term before having the ability to be nominated again.

4.2 The Chairperson shall chair all meetings. If the Chairperson is not present thirty *(30)* minutes after the time set for the meeting, or it is known that he/she will not be able to attend, the meeting can still be held if the Members present comprise a quorum and appoint an interim Chairperson to preside over that only meeting. If items or circumstances that are not covered in these Regulations and Procedures should arise at a meeting, then the Chairperson shall decide on the course of action.

4.3 The Chairperson shall endeavor to achieve a full discussion by the Council meeting of all agenda items and employ his/her best effort to allow all district and regional representatives an adequate voice during the meetings. The Secretariat shall be responsible for recording meeting notes and drafting recommendations.

5.0 Attendance and Representation

5.1 All Council meeting members are expected to attend all required meetings of the Stakeholders. Members who are unavoidably absent should send in their written views preferably before the meeting so that her/his views can be made known, recorded and taken into account by those present. All written views received sufficiently in advance of the meeting shall be taken into account in the written recommendations submitted to the Secretariat.

6.0 Stakeholders Membership - Representation

6.1 Council meeting membership vested in the individual is expected to represent broadly the stakeholders' clusters from which they were elected or appointed.

6.2 If any Council meeting member changes position to a different constituent cluster it will remain up to stakeholder who he/she represents to determine if she/he can effectively represent his/her former stakeholder cluster. If not, then the member will be expected to submit a written letter of resignation to the Council meeting Chairperson. Such vacancies will need to be filled by the cluster responsible.

7.0 Operations

7.1 Meetings

7.1.1 Scheduling Meetings

Regular meetings of the Council will be held at minimum once a year. The Secretariat, through the Chairperson, will propose locations and dates for the meetings to the council meeting one year in advance.

7.1.2 Adequate Notice of Meetings

The date and location of annual meetings will be determined at the previous annual meeting, giving all members one year's advance notice. Should the date or venue of the annual meeting need to be changed for logistical reasons, all members will be notified of the change at least thirty *(30)* days in advance. Draft agendas and proposed resolutions

will be circulated at least fourteen *(14)* days in advance of the annual meeting in order to assure that all members have time to review and respond to them before the meeting.

8.0 Establishing Meeting Agendas

8.1 The Chairperson, in consultation with the Secretariat, will propose an agenda. Any member may propose an agenda item. This must be provided in writing to the Chairperson with a copy to the Secretariat. The final agenda and meeting papers may be circulated five (5) days in advance of the meeting.

8.2 When formulating the meeting agenda, the Chairperson and Secretariat shall take into consideration the need for adequate time for a thorough discussion of all agenda items.

9.0 Proposing and Passing Resolutions

9.1 When a resolution is to be determined by a vote, a simple majority of the members is required to pass the resolution.

9.2 When the vote concerns a matter of principle, the vote shall be a show of hands or by open ballot and the votes recorded.

9.3 When voting concerns a matter of a person or persons (e.g., appointment), such vote must be by secret ballot. If there is no challenge to the ballot results by the time the meeting terminates the ballot papers shall be destroyed.

9.4 When a member casts a vote, he/she may state reasons and such reasons shall be noted. Members may also wish to abstain from a vote.

9.5 Resolutions of the meeting of the stakeholders' meeting may also be adopted in a manner other than at a meeting, in writing or otherwise, provided the proposal concerned is submitted to all members and none of them objects to the relevant manner of adopting resolutions.

9.6 As much as possible, simple and clear language should be used in the wording of resolutions.

10.0 Conflict of Interest

During deliberations any stakeholder with conflict of interest must declare his/her interest before deliberation. Signed statement must be submitted annually. This statement is intended to supplement, but not replace, any laws governing conflict of interest. At any time, if a member realizes that s/he has or may have a position of conflict; s/he must

immediately bring this to the attention of the Chairperson who will then decide on the appropriate course of action. If there is any doubt about conflict, it is strongly advised that members consult the Chairperson.

11.0 Extraordinary Meetings

The Chairperson may request an extraordinary general meeting to consider issues of significant importance. An extraordinary general meeting should only be called if the matter cannot wait to be considered at the regular annual meeting. An extraordinary general meeting can be held in person (given that budget allows) or through electronic communication. Decisions will be made in the same manner as at regular meetings.

12.0 Relations with other Governance Bodies

12.1 General Communication

Notice shall be given when actions are taken by any of the governance bodies mentioned in this section that affect any other body. Communications should occur between Chairperson of bodies with the secretariat liaison person acting as an intermediary as needed.

12.2 Relations with the Board of Directors

12.2.1 To demonstrate that it has discharged its stewardship properly the Secretariat must present the annual report of coordinating the Stakeholders activities to the Board and to the Council meeting at its annual general meeting.

12.2.2 The Board Chairperson can invite the Council meeting Chairperson to attend Board meetings, as needed. S/he will not be able to vote, and will be allowed to speak at the discretion of the Board Chairperson.

13.0 External Relations
13.1 Official Working Language

The official working languages of the Stakeholders meeting are Swahili and English. All communications will be prepared either in English or Swahili or in both.

14.0 Role of Council Members Externally

14.1 Designated Spokespersons

The Council meeting Chairperson is the designated spokesperson for the Stakeholders meeting. S/he may provide official input on council meeting matters with media, Government and other stakeholders requiring formal input. Council meeting members may speak publicly as individuals participating in the Stakeholder meeting, but are not official spokespersons on behalf of the Stakeholders meeting.

14.2 Interactions with Stakeholders

Council meeting members are free to speak with the media, government, and other stakeholders about Council meeting matters but must clearly explain that s/he does not speak on behalf of the Stakeholders' meeting in any official capacity.

15.0 Description of duties and responsibilities for Chairperson

1. Consult with the Secretariat in preparation of agenda for council meetings.
2. Chairperson of council meetings.
3. Be a spokesperson for the council meeting with media, Government and other stakeholder groups seeking public statements.
4. Ensure that all members are enabled and encouraged to participate fully and collectively and are involved in the role and purpose of the council meeting.
5. Ensure that Council meeting members receive timely relevant information and that they are briefed properly on agenda items and other issues that may arise at the meetings.
6. Remain objective in the implementation of one's duties and to avoid partisanship based upon the district and region from which one originates.
7. Ensure business of the meeting is within the budget set for the meeting.

Dar es Salaam,
……, 2011

JUMANNE A. MAGHEMBE
Minister for Agriculture, Food Security and Cooperatives