

**CAP. 137—Supp. 60**

**TANGANYIKA**

**PRODUCE EXPORT**

**CHAPTER 137 OF THE LAWS (REVISED)**

**(PRINCIPAL LEGISLATION)**

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CHAPTER 137

PRODUCE EXPORT

An Ordinance to provide for the Grading, and Inspection and Regulation of Preparation, of produce to be exported from the Territory

Ords.  
1929 No. 7  
1943 No. 10  
1954 No. 9  
Cap. 244  
s. 17

[1ST MAY, 1930]

Short title  
Interpreta-  
tion

1. This Ordinance may be cited as the Produce Export Ordinance.

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

“produce” or “product” means any article whatever produced or derived from farming or agricultural operations or stock-keeping which the Governor may from time to time declare to be produce for the purpose of this Ordinance;

“brand” when used as a verb means to stamp, 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 the Territory for purposes of sale;

“inspector” means a person generally or specifically designated by the Commissioner for Agriculture or by the Commissioner for Veterinary Services to examine or grade or both examine and grade produce intended for export;

“prescribed” means prescribed by rules under this Ordinance.

Prohibition  
of export  
save  
through  
prescribed  
ports and  
without  
inspection  
Ord. 1954  
No. 9  
s. 2

3. No person shall export or cause or permit to be exported, or attempt to export, any produce made the subject of rules under this Ordinance—

(a) except from a port prescribed by such rules; and

(b) unless such produce shall have been inspected, or inspected and branded in manner prescribed by such rules:

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

Prohibition  
of export of  
produce  
which is  
unsound

4. 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; or

(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

Note.—Section 3 of Ord. 1954, No. 9 which Ord. repealed and replaced section 3 of Cap. 137, validates rules made under Cap. 137.

(c) produce of any animal intended for human consumption, which is infected with any disease rendering such produce unfit for such consumption.

The question whether any produce is or is not in such a condition as would render it subject to the prohibitions contained in this section shall be determined by an inspector according to the instructions given generally or specifically by the Commissioner for Agriculture or the Commissioner for Veterinary Services.

5.—(1) If any produce intended for human consumption is found at the time of inspection under this Ordinance or 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, but in such manner that such produce cannot be used for human consumption or food for animals;

Seizure and destruction of diseased animals and of agricultural produce intended for export

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

(2) Whenever an inspector has good ground for believing that any animal is to be slaughtered and that the meat thereof 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 it to be seized and slaughtered and the carcass thereof dealt with or disposed of as he 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 expenses incidental thereto, be paid to the owner of the carcass.

6.—(1) No person shall export or cause or permit to be exported or attempt to export—

Registration of certain premises and producers Ord. 1943 No. 10 s. 2 Cap. 244 s. 17

- (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 Veterinary Services under the provisions of this section;
- (b) any milk products, compositions thereof or substitutes therefor unless the premises from or in which such milk products, compositions or substitutes were collected, prepared and stored were at the time of collection, preparation or storing registered by the Commissioner for Veterinary Services under the provisions of this section.

(2) The Commissioner for Veterinary Services may, on application being made to him 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 purposes.

(3) There shall be allotted to all 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 milk products, compositions or substitutes manufactured at such premises.

(4) For the purposes of this section—

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

shall be deemed to be produce within the meaning of this Ordinance without declaration in that behalf under the provisions of section 2 of this Ordinance.

Power to enter premises and give directions  
Ord. 1943  
No. 10  
s. 2

7. For the purposes of this Ordinance every inspector and any person generally or specially authorized in writing by or on behalf of the Commissioner for Agriculture or the Commissioner 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 he has good reason to believe that any produce is kept which is intended for exportation, and may examine any part of such premises or any receptacle or package therein 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.

Causes for which registration may be cancelled  
Ord. 1943  
No. 10  
s. 2

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

Information to be supplied by producers  
Ord. 1943  
No. 10  
s. 2

9. Every grower of produce intended for use as seed or of other produce as defined in section 2 of this Ordinance shall, on being requested by the Commissioner for Agriculture or the Commissioner for Veterinary Services, furnish such information concerning the production and shipment of such produce as may be specified in the request.

Rules

10.—(1) The Governor in Council of Ministers may make rules to provide for the following matters, namely:—

- (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 standards of composition and the maximum percentage of moisture, salt, preservatives or other substances in milk products, 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 premises in which animals are slaughtered, or 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 places and manner of inspection and of grading and 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 conditions 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 Ordinance;
- (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 Ordinance.

(2) Rules made under subsection (1) (p) of this section shall be laid before the Legislative Council forthwith after they are made if the Council be then in session, and if not, forthwith after the commencement of the then next session of the Council, and if not confirmed by resolution of the Council within the next subsequent twenty-one days after such rules are laid before it, shall be void, but without prejudice to the validity of anything done thereunder or the making of any new rule.

11.—(1) Any person who obstructs, resists or hinders an inspector in the lawful exercise of his powers or duties under this Ordinance or any rule issued thereunder shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings. Obstruction, resistance, or hindrance

(2) Any person who fails, within the time required by an inspector, to remove any produce from any place of inspection, reception or shipment whenever such removal is so required shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred shillings for every day during which the offence continues.

Forging  
certificates  
or brand  
and false  
warranties

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

(2) Any person who wilfully applies to produce intended for export a certificate or invoice or 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 or invoice, label or certificate or notification in respect of produce intended for export shall, if such written documents falsely describe such produce or are false in any other material particular, be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of cheating.

Penalty

13. Any person who contravenes any provision of this Ordinance or of any rule made thereunder, or makes default in complying with any such provision with which it is his duty to comply shall, if no penalty is specially provided for the contravention or default, be liable in the case of a first conviction to a fine not exceeding two thousand shillings, and in the case of a second or subsequent conviction, to a fine not exceeding five thousand shillings, and in default of payment in either case to imprisonment not exceeding six months.

Appoint-  
ment of  
board of  
appeal

14. If any person is aggrieved by any decision of, or action taken by an inspector under this Ordinance, the inspector shall, if required by such person, state in writing the reasons for his decision or action and the matter shall thereupon be referred to a Board which shall be appointed by the Commissioner for Agriculture or the Commissioner for Veterinary Services, or at their request, by an Administrative Officer. The decision of the Board in the matter shall be reduced to writing and shall be final. Before the matter is referred to the Board, the person aggrieved shall deposit with the inspector such a reasonable amount as, in the opinion of the Officer appointing the Board, will be sufficient to defray the expenses which will necessarily be incurred by the Board, but the amount so deposited shall be refunded to such person if his contention is upheld by the Board.

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