

Zimbabwe

Tobacco Research Act

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Zimbabwe

Tobacco Research Act

Chapter 18:21

Commenced on 1 April 1955

[Up to date as at 31 December 2016]

[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]

AN ACT to make provision for the direction and maintenance of research in connection with tobacco and to provide for matters incidental thereto.

1. Short title

This Act may be cited as the Tobacco Research Act *[Chapter 18:21]*.

2. Interpretation

In this Act—

“**Board**” means the Tobacco Research Board established by section three;

“**Minister**” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“**tobacco**” means—

- (a) unmanufactured flue-cured tobacco;
- (b) such other classes or types of unmanufactured tobacco as the Minister may declare by statutory instrument to be tobacco for the purposes of this Act;

“**tobacco research**” means—

- (a) research and investigation work of any kind in connection with tobacco, including research work in connection with insect pests of tobacco, bacterial, fungoid and virus diseases and other pests of tobacco; and
- (b) engineering experiments in the planting, handling and curing of tobacco; and
- (c) advice and assistance to any person growing tobacco in relation to the growing and curing of tobacco and in connection with insect pests of tobacco, bacterial, fungoid and virus diseases and other pests of tobacco.

3. Establishment of Board

There is hereby established a board to be known as the Tobacco Research Board, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as a body corporate may by law perform.

4. Functions of Board

The functions of the Board shall be to direct, control and carry out tobacco research within Zimbabwe and, subject to the approval of the Minister, such tobacco research outside Zimbabwe as it considers expedient.

5. Composition of Board

- (1) Subject to subsection (4), the Board shall consist of seven members, who shall be appointed by the Minister after consultation and in accordance with any directions the President may give him and shall be selected in the following manner—
 - (a) two members shall be officers of the Ministry for which the Minister is responsible;
 - (b) three members shall represent flue-cured Virginia tobacco growers in Zimbabwe and shall be selected by the Minister from a panel of not less than four names to be submitted to him by the council of the Zimbabwe Tobacco Association;
 - (c) two members shall represent tobacco buyers in Zimbabwe and shall be selected by the Minister from a panel of not less than four names to be submitted to him by the Tobacco Trade Association of Zimbabwe.
- (2) To each member of the Board referred to in paragraph (a) or (c) of subsection (1) and to all the members referred to in paragraph (b) of subsection (1) the Minister may appoint an alternate member selected as such member was or, as the case may be, such members were selected.
- (3) An alternate member shall act as a member only when a member to whom he is alternate is unable to perform his duties as a member and when so acting shall have all the powers of such member, other than the powers of the chairman.
- (4) The Board shall have power to add to its number such persons as the Board may, with the approval of the Minister, select.

6. Terms of office of members and filling of vacancies

- (1) Each member of the Board shall hold office for such period, not exceeding three years, as the Minister may fix, and on the expiry of his period of office shall be eligible for reappointment.
- (2) The office of a member of the Board shall be vacated—
 - (a) if, in terms of the law in force in any country, he has—
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated; or
 - (ii) made an assignment to or arrangement with his creditors which has not been rescinded or set aside;
 - or
 - (b) if he is absent from three consecutive meetings of the Board without the permission of the Board;
 - or
 - (c) if he gives one month's notice in writing to the Minister of his intention to resign his office and his resignation is accepted by the Minister; or
 - (d) if he becomes mentally or physically incapable of performing his duties as a member.
- (3) When a member's office, other than the office of a member appointed in terms of subsection (4) of section five, is vacated, the Minister shall appoint a person selected as such member was selected to fill the vacancy until the expiration of the period during which such member would, but for the vacation of his office, have continued in office.
- (4) Alternate members of the Board, shall be paid from the funds of the Board for each meeting they attend such remuneration as the Minister may approve.
- (5) The chairman and members of the Board, shall be paid from the funds of the Board such remuneration as may be approved by the Minister on the recommendation of the Board.
- (6) The members of the Board, including alternate members, shall be paid from the funds of the Board such allowances as the Minister may deem fit to meet any reasonable expenses incurred by them in connection with the business of the Board.

7. Procedure

- (1) The Board shall meet for the dispatch of business, adjourn and otherwise regulate its meetings and proceedings as it thinks fit.
- (2) The Board shall elect one of its members as chairman and another as deputy chairman.
- (3) If the chairman is absent from any meeting, the deputy chairman may exercise all the powers and shall discharge all the duties of the chairman at such meeting.
- (4) If the chairman and the deputy chairman are absent from any meeting, the members present shall choose one of their number to be chairman for such meeting, and the member so chosen may exercise all the powers and shall discharge all the duties of the chairman at such meeting.
- (5) The chairman of the Board may himself at any time and shall, at the request of any other member of the Board, call a special meeting of the Board.
- (6) The decision of the majority of the members of the Board present at any meeting shall constitute the decision of the Board:

Provided that in the event of an equality of votes at any meeting, the chairman shall have a casting vote in addition to his deliberative vote.

- (7) At any meeting of the Board four members thereof shall form a quorum.

8. Powers of Board

In the performance of its functions, the Board shall have power to do all or any of the following acts—

- (a) to appoint and employ such professional, technical and administrative officers, clerks and other employees as it considers necessary;
- (b) to pay any person in its employ such salary, wages or other remuneration as it thinks fit, and to grant him such leave as it thinks fit;
- (c) to provide for persons in its employ or their dependants, by means of insurance with an insurance company or a pension or provident fund or in any other manner whatsoever, pecuniary benefits upon retirement, death or termination of service or in the event of sickness or injury;
- (d) subject to the Audit and Exchequer Act [*Chapter 22:03*], to raise moneys by way of loan or bank overdraft in such amounts and for such purposes as the Minister may approve;
- (e) to purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable property and any rights, including patent rights, or privileges which the Board considers necessary or expedient for the purpose of conducting tobacco research;
- (f) to construct, maintain, alter and improve any buildings, works, machinery and plant necessary or expedient for the purpose of conducting tobacco research;
- (g) to work or otherwise beneficially use or to exchange, let, sell or hypothecate any of the property, rights or privileges acquired or constructed under paragraph (e) or (f);
- (h) subject to the Audit and Exchequer Act [*Chapter 22:03*], to invest and deal with any moneys of the Board not immediately required in such securities and in such manner as it thinks fit and to vary or realize such investments;
- (i) to issue tobacco seed to persons in or outside Zimbabwe for the purpose of tobacco research;
- (j) to purchase limited quantities of tobacco which may be required for the purpose of tobacco research from persons in or outside Zimbabwe;
- (k) to sell any produce of land in its possession;

- (l) to invite and receive donations from any person towards the expenses of tobacco research and to make donations and grants in such amounts and for such purposes as the Minister may approve;
- (m) to do all things incidental or conducive to the exercise or enjoyment of the rights, interests and powers conferred and to the performance of the obligations imposed upon it by this Act;
- (n) to purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by persons in its employ;
- (o) to purchase land and construct thereon dwelling-houses for occupation by persons in the its employ;
- (p) to sell or lease dwelling-houses and land for residential purposes to persons in its employ;
- (q) on such terms and conditions as the Board may, with the approval of the Minister and the Minister responsible for finance, fix—
 - (i) to advance money to persons in its employ for the purchase of dwelling-houses or land for residential purposes, the construction of dwelling-houses, the improvement of dwelling-houses or land which are the property of persons in its employ and the discharge of existing liabilities thereon; and
 - (ii) to guarantee loans made to persons in its employ or their spouses for the purchase of dwelling-houses or land for residential purposes, the construction of dwelling-houses and the improvement of dwelling-houses or land which are the property of persons in its employ or their spouses; and
 - (iii) to provide security in respect of loans such as are described in subparagraph (ii) by the deposit of securities in which the Board is hereby authorized to invest such moneys it considers necessary for the purpose.

9. Executive committee

- (1) The Board may appoint an executive committee, consisting of four of its members, and may delegate to that committee such of its powers as it may from time to time determine.
- (2) At any meeting of the executive committee two members thereof shall form a quorum.

10. Funds of Board

The funds of the Board shall consist of—

- (a) all such grants, donations, loans and revenue as may be payable to the Board;
- (b) such sums as may be paid to it on the direction of the Minister from moneys appropriated by Parliament for the purpose.

11. Accounts, audit and reports

- (1) The Board shall cause to be kept proper books of account and other books in relation thereto.
- (2) The accounts of the Board shall be audited annually by auditors appointed by the Board. The expenses of the audit and incidental thereto shall be paid from the funds of the Board.
- (3) The Board may, in addition to the reports submitted by it in terms of the Audit and Exchequer Act [Chapter 22:03], submit to the Minister such other reports in regard to tobacco research as it considers advisable.

12. Financial year

The financial year of the Board shall be the period of twelve months ending on the 30th June.