

Tanzania

National Industries (Licensing and Registration) Act Chapter 46

Legislation as at 31 July 2002

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Act 4 of 2024, Act 6 of 2024.

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PDF created on 25 February 2025 at 09:53.

Collection last checked for updates: 31 July 2002.

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FRBR URI: /akn/tz/act/1967/10/eng@2002-07-31

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Tanzania

National Industries (Licensing and Registration) Act Chapter 46

Published in Tanzania Government Gazette

Commenced on 15 July 1967

[This is the version of this document as it was at 31 July 2002 to 21 March 2024.]

[Note: This legislation was revised and consolidated as at 31 July 2002 and 30 November 2019 by the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. All subsequent amendments have been researched and applied by Laws.Africa for TANZLII.]

[G.N. No. 239 of 1967; Acts Nos. 10 of 1967; 13 of 1982; 13 of 1991; 10 of 1992; 5 of 1995; G.N.s Nos. 246 of 1967; 17 of 1983]

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 related matters.

Part I – Preliminary provisions (ss. 1-2)

1. Short title

- (1) This Act may be cited as the National Industries (Licensing and Registration) Act.
- (2) This Act shall apply to Mainland Tanzania as well as Tanzania Zanzibar.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Board**" means the Industrial Licensing Board established under [section 10](#);

"**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 is used for manufacture;

"**industry**" means any factory in which ten or more workers are employed on any day;

"**industrial licence**" means an industrial licence granted under 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—

- (a) 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;
- (b) the making, processing, altering, repairing, ornamenting, finishing, cleaning or washing or the breaking up or demolition of an article; or

- (c) the adapting for sale of any article, and includes the assembly of component parts of manufactured products; of manufactured products;

"**member**" means a member of the Board and includes the chairman;

"**Minister**" means the Minister for the time being responsible for industries;

"**Registrar**" means the Registrar of Industries appointed under [section 3](#) and includes Assistant Registrars of Industries;

"**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 articles 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 (ss. 3-4)

3. Registrar and Assistant Registrar

- (1) The Minister may, after consultation with the Minister for the time being responsible for industries in the Revolutionary Government of Zanzibar by Notice published in the *Gazette*, appoint a Registrar of Industries and a Deputy Registrar and as many Assistant Registrars as he may think fit.
- (2) In the event of the Registrar so appointed being from Mainland Tanzania the Deputy Registrar shall be from Tanzania Zanzibar and if the Registrar is from Tanzania Zanzibar the Deputy Registrar shall be from Mainland Tanzania.

4. Proof of documents

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 (ss. 5-8)

5. Application

This Part shall apply to all small scale industries as may be determined by the Minister.

6. Compulsory registration

- (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) commits an offence.

7. Existing industries

- (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. Certificate of registration

- (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 (ss. 9-12)

9. Application

This part shall apply to medium and large scale industries as may be determined by the Minister.

10. Establishment of the Board

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.

[s. 9A]

11. Constitution of the Board

- (1) The Minister shall, after consultation with the Minister for the time being responsible for industries in the Revolutionary Government of Zanzibar, by Notice in the *Gazette*, appoint members of the Board, including the Chairman and Vice-Chairman and the provisions of [section 3](#) in relation to the appointment of Registrar and Deputy Registrar shall apply *mutatis mutandis* to the appointment of Chairman and Vice-Chairman of the Board under this section. The content of the notice so given shall include constitution and proceedings of the Board.
- (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 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) Half of the members (one of whom shall be the Chairman or Vice-Chairman) shall constitute a quorum at any meeting.

[s. 10]

12. Regional Advisory Committee

- (1) There is hereby established a Regional Industrial Licensing Advisory Committee for each region in the United Republic.
- (2) The Regional Industrial Licensing Advisory Committee shall be composed of—
 - (a) a person for the time being holding the office of Regional Development Director, who shall be the Chairman;
 - (b) a person for the time being holding the office of Regional Planning Officer;
 - (c) an officer in charge of small scale Industries in the Region;
 - (d) a person for the time being holding the office of Regional Trade Officer; and
 - (e) such other members, not exceeding six to be nominated by the Minister.

- (3) Notwithstanding the provisions of paragraph (2), in relation to Revolutionary Government of Zanzibar, each Regional Industrial Advisory Committee shall be composed of persons holding equivalent designation to those specified in paragraph (2).

[s. 10A]

Part V – Operation of industrial licensing (ss. 13-24)

13. Carrying on enterprise without an industrial licence

- (1) Notwithstanding any provision in this Act, where a Certificate granted under the Tanzania Investment Act¹, is in force in respect of a person and an enterprise, that person may carry on the enterprise without being the holder of an industrial licence relating to the enterprise.
- (2) Where a Certificate is granted in respect of an enterprise, any industrial licence then in force in respect of the enterprise shall cease to be in force to the extent that it relates to the enterprise.

[s. 11]

14. Application for industrial licences

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

[s. 13]

15. Functions of the Board

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

- (a) the capital, technical skill and raw materials available to the applicant;
- (b) the sitting, or proposed sitting, 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, in so far 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 production and development of industries within Tanzania 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).

[s. 14]

16. Functions of Regional Advisory Committee

The Regional Advisory Committee shall advise the Central Industrial Licensing Authority on—

- (a) the capital, technical skill, managerial capacity and raw material available to the applicant within the region or adjacent regions;
- (b) the availability of power, fuel labour, transport, raw materials, land and water within the region, and;
- (c) any other matter it may consider relevant in respect of any application for an industrial licence originating from the region.

[s. 14A]

17. Industrial licence

Every industrial licence granted by the Board shall specify and be subject to such conditions as the Board may think fit to impose.

[s. 15]

18. Transfer of licence

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

[s. 16]

19. Application for transfer

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.

[s. 17]

20. Variations of conditions

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.

[s. 18]

21. Proceedings of the Board

- (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.
- (2) The date, time and place of the 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.

[s. 19]

22. Revocation of licence

- (1) Where the Board is satisfied that a licensee has—
 - (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 to the satisfaction of the Board, the Board may revoke the 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.

[s. 20]

23. Functions of the Registrar in relation to the Board

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

[s. 21]

24. Existing industries

- (1) Within ninety days of the operative date of this Act, any person operating a manufacturing industry or of factory shall apply to the Board for an industrial licence in respect of the industry factory.
- (2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand shillings.

[s. 22]

Part VI – Appeals (s. 25)

25. Appeals to the Minister

- (1) Any person who being—
 - (a) 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) 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.

[s. 24]

Part VII – Miscellaneous provisions (ss. 26-29)

26. Penalty

Any person who is guilty of an offence under this Act, for which no penalty is specifically provided, shall be liable on conviction to a fine not exceeding ten hundred thousand shillings.

[s. 25]

27. Registers

The Registrar shall maintain a register of the industries in respect 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 the registers such particulars as may be prescribed.

[s. 26]

28. Exemptions

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

[s. 27]

29. Regulations

- (1) The Minister may after consultation with the Minister for the time being responsible for industries in the Revolutionary Government of Zanzibar, make regulations for the better carrying 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 conditions for licences, including conditions for provisional licences;
 - (g) prescribing for the composition and manner in which the Board members shall be appointed.
 - (h) 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 ten thousand shillings for the breach of, or non-compliance with, any regulation.

[s. 28]