

## **SUBSIDIARY LEGISLATION**

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THE SUGAR INDUSTRY ACT, 2001

(No. 26 OF 2001)

### **SUGAR REGULATIONS**

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- “local newspaper” means a daily newspaper with a national-wide circulation;
- “miller” means a sugar manufacturer and the word “mill” shall be construed accordingly;
- “Minister” means the minister responsible for agriculture;
- “out-grower” means a person who grows sugarcane for sale to the miller and who is registered by the Board in accordance with these Regulations;
- “specified markets” means markets specified in the Third Schedule to these Regulations, or as may be specified by the Board where sugar from Mainland Tanzania is sold in accordance with bilateral or multilateral trade agreement(s) between the Government or its agencies; and other government(s) or agencies and the words “specified sugar” shall be construed accordingly;
- “small scale sugar producer” means a person who produces quantities of sugar not exceeding 1,000 metric tonnes per annum;
- “sugarcane” includes all cane varieties that are species or hybrids of the saccharum genus which are cultivated for the purpose of milling in a sugar factory to produce sugar; and
- “sugar” has the meaning ascribed to it under the Act.

## PART II

### REGISTRATION OF SUGARCANE GROWERS

3.-(1) For purposes of assisting the Board to control sugarcane quality, establish a basis for planning and making appropriate estimates of inputs, extension services and sugarcane growers' credit requirements, the Board shall keep a register at every sugar mill which receives sugarcane from cane growers and it shall register therein sugarcane growers who supply cane to the respective sugar mill

Registration of cane growers and issuance of “GRNs”

(2) Upon registration, each grower shall be issued with a Growers Registration Number, in its acronym to be known as “GRN”.

(3) The Director General of the Board or any other person appointed by him shall be the Registrar of cane growers.

(4) The Board shall charge no registration fee to growers.

4.-(1) No person shall grow and supply sugar cane to a sugar mill unless he has been registered pursuant to regulation 3.

Restriction on growing

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or selling  
sugarcane  
without  
registra-  
tion (2) No miller shall procure or buy sugarcane for manufacturing sugar from a cane grower who is not registered by the Board pursuant to regulation 3.

(3) Any person who contravenes the provisions of this regulation shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.

Particulars  
of growers 5.-(1) The Board shall enter in the register particulars of each grower, indicating -

- (a) the full name and address of the grower;
- (b) where the person who owns the land differs from the cane grower, the name or names and addresses of the person owning the land;
- (c) description of the location of the farm or field in sufficient detail to identify the farm, and where applicable, location of the farm or field in a general map of the area, the number of title deed and Land Office number, if any;
- (d) the name of the local government administrative unit, village, ward, division and district in which the field is located;
- (e) the area in hectares of the whole farm or field, and the area planted with sugar cane on the date of registration;
- (f) the area in hectares and the location that is proposed to be planted with cane, in case a person being registered has not yet planted sugar cane;
- (g) the average tonnage of sugar cane supplied by the out-grower to the mill and the estimated maximum quantity the out-grower expects to supply from the area normally under sugarcane; and
- (h) any other information, which may be deemed necessary for the purpose of registration.

(2) Where the grower owns more than one cane field, each field shall be identified separately on registration.

Qualifica-  
tion for  
registra-  
tion of a  
grower 6.-(1) Before any person is registered by the Board as a grower, he shall be required to satisfy the Board whether -

- (a) he is already growing sugarcane at the time of registration

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or, he has definite intentions to commence growing cane within a period of six months from the date of being registered;

- (b) he has been selling or supplying sugarcane to a sugar mill and his name appears in the records of the mill;
- (c) the area under sugarcane or area on which sugar cane is to be is not less than one acre (0.40469 ha); and
- (d) the cane field is located within a radius not exceeding 40 km from the sugar mill, provided however, where the distance exceeds 40 km the grower provides proof satisfactory to the Board that he is able to transport and deliver sugarcane to the mill.

(2) Notwithstanding sub-regulation (1) (c), where the area for which the applicant wishes to register is less than one acre, the Board may register him provisionally for a period not exceeding three years during which he shall have to grow one or more acres of sugarcane in order to qualify for full registration.

(3) Where a person who applies for registration is a new cane grower or is a registered cane-grower who wishes to expand his existing area, the Board shall satisfy itself that-

- (a) the mill has capacity to mill the cane to be produced;
- (b) the land where sugarcane is to be grown has been evaluated by an agricultural expert acceptable to the Board and deemed suitable for sugarcane cultivation on sustainable basis.

7.-(1) Every grower registered by the Board shall comply with the following terms and conditions:

Terms and conditions of registered grower

- (a) unless otherwise permitted by the Board in writing, to supply on commercial basis all cane produced by him to the sugar mill indicated in the register;
- (b) to maintain at all times the area of land under cane specified in his registration and not to expand or reduce it without giving the mill and the Board at least twelve months notice of the intention to expand or reduce the area under cane; and
- (c) to comply with rules and regulations for better farming husbandry of sugarcane as provided in Part III of these Regulations and as may be specified by the Board, from time to time.

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(2) Without prejudice to the provisions of sub-regulation (1), a registered sugarcane grower or the Cane Growers Association in which he is a member, shall enter into a commercial agreement with sugar manufacturers to whom he will sell sugarcane, which agreement shall, *inter-alia*, provide for –

- (a) the quantity of cane the grower shall deliver to the mill during the agreed delivery period;
- (b) obligations of the parties related to harvesting and delivery or transportation of cane to the mill;
- (c) a schedule for harvesting and delivery of cane to the mill;
- (d) the price for the cane delivered to the mill or if no price has been agreed upon, the formula for determining the price; and
- (e) the time or times of payment by the mill for cane delivered and the rate of interest payable by the mill on sums of money not paid per the agreement, provided that time of payment shall not exceed thirty days after the delivery of cane to the mill and where no interest rate is set, the mill shall pay interest at the ruling standard short term borrowing rate from a commercial bank.

(3) The sugarcane grower or his association shall submit to the Board such reports, data, information, and at such time or times as the Board may, in writing require.

Deregistration of a cane grower

8.-(1) The Board may, after being satisfied that a registered grower has failed to comply with the terms and conditions for registration, strike him off the register and notify such a grower accordingly.

(2) Any grower struck off the register shall stop growing sugar cane.

(3) Any sugarcane grower aggrieved by the decision of the Board pursuant to subregulation (1) may appeal to the Minister within fourteen days from the date of receipt of the de-registration notice.

(4) Any person who had been registered as a cane grower and subsequently de-registered by the Board may be re-registered upon such additional terms and conditions as the Board may specify.

Board may appoint agents

9.-(1) The Board may appoint an association of sugarcane growers or a cooperative society or any other person to act as its agent in performing any or all activities pertaining to the registration of sugarcane growers on such terms and conditions as it may specify in writing.



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(2) Any agent of the Board appointed under sub-regulation (1) shall perform registration activities specified by the Board in conformity to the provisions of these Regulations.

(3) Any person appointed as an agent of the Board under subregulation (1), who fails or neglects to comply with the provisions of these Regulations in carrying out registration activities, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred thousand shillings for each count of failure or neglect.

### PART III SUGARCANE HUSBANDRY

10.-(1) Every sugarcane grower shall carry out sugarcane farming activities in the most efficient manner, complying with good agricultural and management practices.

Sugarcane growers to comply with advice on cane husbandry

(2) Except for reasons acceptable to the Board, every sugarcane grower shall follow or comply with any advice or directions on cane husbandry given to him by advisory services officers appointed for that purpose by the mill, government extension officers or officers of the Board.

11.-(1) No sugarcane grower shall grow a sugarcane variety which has not been approved by the mill and no miller shall approve a sugarcane variety for cultivation by a sugarcane grower unless the variety has been approved by the Director.

Approved variety

(2) A sugarcane grower or any miller who contravenes the provisions of sub-regulation (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.

(3) Without prejudice to sub regulation (2), the Board may quarantine and order the up-rooting and destruction, at the cost of the grower, of any sugarcane variety grown without prior approval of the Director.

12.-(1) Subject to the existing laws on plant protection, the following pests and diseases of sugarcane shall be subject to compulsory control measures by sugarcane growers, namely –

Specified pests and diseases subject to compulsory control

(a) Diseases which include:

- (i) Ratoon Stunting Disease or RSD; - (*Clavibacter xyli subsp. Xyli*);
- (ii) Smut (*Ustilago Scitaminea*);

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(iii) Leaf Scald (*Zanthomans alibilineans*); and

(iv) Sugar cane Mosaic Virus.

(b) Pests which include:

(i) White Grub Complex including (*cochliotis melolonthoides*);

(ii) Eldana (*Eldana Saccharina*); and

(iii) White Scale (*Aulacaspis tegalensis*).

(2) Without prejudice to the generality of subregulation (1), the Director or an authorized officer may, by order under his hand and for purposes of preventing or controlling occurrence or spread of any pests or diseases of sugarcane within any area specified in that order-

- (a) prohibit or regulate the growing of cane or any other crop specified in the order, which is known to harbour pests or disease;
- (b) prohibit the removal from any area of sugarcane or any article, which in the opinion of the Director is likely to harbour pests or disease of sugarcane;
- (c) require the uprooting and burning of all or any sugarcane or residue specified in the order by a person having possession or control of the sugarcane field; or
- (d) prohibit any person from growing any sugarcane before the date specified in the order.

(3) Where a person fails to comply with an order issued under sub-regulation (2), the Director or an authorized officer, may, on giving further seven days' notice in writing, of his intention to do so, cause the removal or destruction to be effected and thereupon that person shall, without prejudice to any penalty which he may have suffered by reason of any failure, be liable to pay all the costs incurred, which shall be recoverable as a debt due to the Government.

(4) Every sugarcane grower shall report to the advisory services officer, the Board or extension officers any incidence or occurrence of sugarcane disease or pest in his cane field, unless such incidence or occurrence is already known to be present in such cane field by the said officers.

(5) Every sugarcane grower shall carry out such operations or take such measures as necessary to remedy or control pests and diseases at the lands occupied or cultivated by him.

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(6) The Board may require any sugarcane grower to take a compulsory remedial operations or measures in order to control pests and diseases at the lands occupied or cultivated by him; and such compulsory remedial measures shall include but not limited to the following activities -

- (a) pre-mature harvesting of sugarcane;
- (b) destruction of sugarcane;
- (c) up-rooting and destruction of sugarcane followed by fallow;
- (d) hot water treatment of seed cane or other procedure with similar effect;
- (e) specified agronomic practices;
- (f) chemical or biological control procedure;
- (g) quarantine measures restricting movement of cane out of specified area; or
- (h) prohibition of cane cultivation in a specified area as disease or pest buffer zone.

(7) Any sugarcane grower who fails or neglects to carry out a sugarcane pest, disease control, remedial operation or measures specified in writing by the Board, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.

13.-(1) Every sugarcane grower shall take appropriate measures to prevent fire spreading from his field to surrounding lands or from surrounding lands to his field; and such measures may include construction of firebreaks around his cane field or any other appropriate measures. Control of  
cane fire

(2) Before setting fire to any sugarcane field, the sugarcane grower shall take all reasonable measures to contain the fire within his field.

(3) No sugarcane grower shall set fire to his sugarcane for harvesting purposes without adhering to the delivery schedules and without prior approval of the mill to which he is scheduled to deliver the cane in accordance with regulation 7 of these Regulations.

(4) Where a sugarcane grower burns, harvests and delivers sugarcane to the mill in contravention of sub-regulation (3), the mill may refuse to receive the cane or may receive the cane and impose on the grower penalty or surcharge on the cane at rate which shall, unless otherwise agreed by the parties, not exceed five percent of the value of the cane which ought to have been delivered.

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Board or agent may inspect fields 14.-(1) The Board or its agent may at any time, enter the cane field of any sugar cane grower for the purpose of inspection and or verification of compliance to these Regulations by the grower.

(2) The Board may appoint, in writing, a qualified person to carry out inspection of cane fields as provided in sub regulation (1) and such person shall report to the Board the findings of such inspections.

Board may order reduction of sugarcane production 15. Where the Board determines that the amount of cane grown by sugar cane growers is more than the quantity of cane the respective sugar factory can mill during a milling season or where market forces render production of sugar unviable, it may, in consultation with manufacturers, curtail the quantity of sugar produced in the country, by instructing or ordering sugar cane growers to reduce sugarcane production by specified amounts and the growers shall give effect to such instructions.

Reference to Regulations on Sugar Manufacturing Licence 16. These Regulations shall be read together with the regulations relating to the licensing of sugar manufacturers in so far as compliance with any provision of these Regulations by a sugarcane grower is dependent on compliance with any of the provisions of the regulations by a sugar manufacturer.

### PART IV SUGAR MANUFACTURING

Scope of application of sugar manufacturing Regulations 17. Sugar manufacturing regulations shall apply to any type or grade of sugar manufactured in Mainland Tanzania, including the sugar commonly referred to as "jaggery" or "gur".

Board to keep three categories of registers 18. The Board shall keep and maintain three categories of registers in which shall enter particulars of manufacturers as follows -

(a) category "A" register, in which particulars of manufacturers of sugar through vacuum pan centrifugal process with or without sulphitation shall be registered;

(b) category "B" register, in which particulars of manufacturers

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*G.N. No. 173 (contd.)*

of sugar through open pan centrifugal process with or without sulphitation shall be registered;

- (c) category "C" register, in which particulars of manufacturers who produce sugar without employing machinery or mechanical aids other than in extracting juice from sugarcane, including the production of jaggery, shall be registered.

19. No person shall manufacture sugar for sale or for human consumption unless he has been registered by the Board.

Registration of manufacturers and licence to manufacture sugar

20. Any person who wishes to manufacture sugar shall submit to the Board an application for registration in which he shall provide information as prescribed in regulation 21.

Application for registration

21. An application for sugar manufacturer registration shall contain the following information -

Information to be provided to the Board

- (a) the name and address of the applicant;
- (b) details whether the applicant is an individual proprietor, a company, a partnership, a cooperative or an association and the like;
- (c) the location of the mill or the place where the sugar manufacturing is taking place;
- (d) the type of sugar produced whether white, refined, semi white, brown or jaggery;
- (e) the type of process used, whether vacuum pan centrifugal, open pan centrifugal, manual or non centrifugal;
- (f) cane crushing capacity of the plant expressed in kilograms or tons of cane per day of twenty four hours and indicating the number of shifts operated;
- (g) quantity of sugar produced in the ended production season preceding the registration and estimate of future seasonal productions to full capacity of the mill prescribed under paragraph (f);
- (h) sources of sugarcane used to produce sugar, whether from

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own cane field, out-growers or both, own cane and out-growers;

- (i) in case the sugar-cane used is from own fields, the area currently under sugar cane, tons of cane normally harvested and the available potential area for expansion of sugarcane; and
- (j) the milling season in days indicating usual starting and ending month and extent of variation in days.

Manu-  
facturers to  
buy sugar  
cane from  
register-  
red cane  
growers

22.-(1) No sugar manufacturer registered by the Board under category "A" or "B" of regulation 18 shall buy or procure sugarcane for manufacturing of sugar from a sugarcane grower who is not registered by the Board pursuant to these Regulations.

(2) Unless otherwise provided for by these Regulations or except for reasons beyond the control of the sugar manufacturer acceptable to the Board, it shall be an offence for any sugar manufacturer registered by the Board under category "A" or "B" to refuse or neglect to buy or procure sugar cane for manufacturing sugar from a sugar cane grower registered by the Board under these Regulations.

(3) Any person who contravenes the provisions of sub regulation (1) and (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.

Manu-  
facturer to  
enter into  
comm-  
ercial  
agreement  
with cane  
growers

23.-(1) Any category "A" registered sugar manufacturer who buys sugar cane from a sugar cane grower who is registered under these Regulations shall enter into a commercial agreement between him and the grower or the growers' association which shall, *inter-alia*, provide for –

- (a) the quantity of cane a grower shall deliver to the manufacturer during a specified season;
- (b) the obligations of the manufacturer and the grower in relation to harvesting of the cane and its delivery or transportation to the manufacturer;
- (c) a schedule for harvesting and delivery of cane to the manufacturer;
- (d) the price to be paid by the miller to the grower or if no price has been agreed, the formula for determining the price and the latest date by which a price shall have been determined;
- (e) the time or times of payment by the manufacturer for cane delivered and the rate of interest payable by the manufacturer on sums of money not paid per the agreement, provided that

time of payment shall not exceed thirty days after the delivery of cane to the manufacturer and where no interest rate is set upon, the manufacturer shall pay interest at the ruling standard short term borrowing rate from a commercial bank; and

- (f) the compensation or the basis of determining the compensation payable by the sugar manufacturer to the cane grower and that payable by the cane grower to the sugar manufacturer for failure by the manufacturer to buy or to accept the agreed quantity of cane and failure by the cane grower to deliver the agreed quantity of cane, provided however that, the failure or failures have not been caused by reasons beyond the control of the sugar manufacturer or the cane grower as determined or approved by the Board.

(2) It shall be mandatory for a miller and the cane grower to negotiate and agree on compensation payable under sub regulation (1) (f) in the commercial agreement.

(3) Where the miller and the cane grower fail to agree on compensation to be paid by the miller, or as the case may be, the cane grower, the Board shall intervene as an arbitrator.

24.-(1) Unless otherwise approved by the Board in writing, any sugar manufacturer registered by the Board under registration category "A", shall manufacture a quality of sugar suitable for direct human consumption with the minimum specifications specified by the Tanzania Bureau of Standards. Quality standard of sugar

(2) Any sugar manufacturer registered by the Board under category "B" and "C", shall manufacture such type or grade of sugar as the Board may in writing approve and shall comply with such instructions applicable to the manufacturing process as the Board may direct.

25.-(1) Every sugar manufacturer who is registered by the Board under category "A" or "B" shall submit to the Board returns and any other information as the Board may require, using the forms prescribed in the First Schedule to these Regulations. Manufacturers to submit returns

(2) The returns and information to be submitted to the Board under sub regulation (1) shall be due for submission on the 15<sup>th</sup> day of the month in respect to the production or the activities of the manufacturer during the previous calendar month, or at such other time or times as the Board may require.

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(3) Any sugar manufacturer who fails or neglects to submit to the Board the returns and information as required by sub regulations (1) and (2), shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twenty four months or to both.

Board may de-register a sugar manufacturer 26.-(1) The Board may strike out of the register any registered sugar manufacturer who does not comply with any of the provisions of the regulations relating to registration or conditions for issuing a sugar manufacturing licence.

(2) Any person aggrieved by the decision of the Board pursuant to this regulation may, within sixty days from the date of receipt of the decision, appeal to the Minister.

Licensing of manufacturers 27.-(1) Save as provided under sub regulation (3) of this Regulation, no person shall manufacture sugar for sale without a licence issued by the Board.

(2) No person shall be issued a licence by the Board to manufacture sugar, unless he has been registered by the Board in accordance with these Regulations.

(3) The Board may, in writing, exempt any sugar manufacturer registered under category "C", from the requirements of a manufacturing licence if it is satisfied that the manufacturer at all times complies with the registration conditions provided under subregulation (2) of regulation 24 and such other instructions as may be issued to him by the Board, from time to time.

Board to issue licence to registered manufacturers 28. Save as provided under subregulation (3) of regulation 27, any person registered by the Board as a sugar manufacturer in accordance with these Regulations shall be issued with a sugar manufacturer's licence.

Penalty and forfeiture 29.-(1) Any person who contravenes the provisions of regulation 25 shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years.



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(2) Where any person contravenes the provisions of regulation 25, and is convicted of an offence under sub regulation (1) of this regulation, the court may in addition to the penalty, order that any sugar in respect of which the offence has been committed be forfeited to the Government.

30. The sugar manufacturer's licence issued by the Board shall unless suspended or cancelled by the Board, be valid for a period of five years or such longer period as the Board may grant and may be renewed on expiry.

Validity  
period of  
licence

31.-(1) The Board may suspend a sugar manufacturers licence for a period not exceeding six months if the manufacturer contravenes any provisions of these Regulations and fails or ignores to rectify the contravention within three months of being notified by the Board.

Suspension and  
cancellation  
of  
licence

(2) The Board may cancel the sugar manufacturer's licence upon expiry of a three months notice to the manufacturer in the event-

- (a) the manufacturer fails to procure validation of his licence which has been suspended by the Board within six months after suspension of such licence;
- (b) the sugar manufacturer, other than the licence holder of a new sugar mill, fails to produce sugar for two consecutive milling seasons;
- (c) in the case of a new sugar project, the licence holder fails to commence sugar production within four years of issuance of the licence;
- (d) the manufacturer has been de-registered by the Board; or
- (e) the manufacturer fails to comply with terms and conditions of the licence.

32.-(1) Notwithstanding any provisions to the contrary in these Regulations, any person who intends to install a mill or facility to manufacture sugar shall, before installing such mill or facility, register with the Board and obtain a sugar manufacturers licence as provided in these Regulations.

Registration  
of  
mills

(2) The Board may refuse to register and issue licence to any person intending to install and operate a mill or a facility stated in sub regulation (1) of this regulation for the reasons that -

- (a) in the vicinity of the place the mill is to be located there already exists an operating mill and the surrounding land suitable for sugarcane is not sufficient to produce enough

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sugarcane to operate two mills economically;

- (b) important resources such as water are not sufficient to support two mills on sustainable basis; or
- (c) the new mill will adversely impact upon the environment, the society or the economic viability of sugar industry in general.

(3) The Board shall, before refusing registration on grounds stated in sub regulation 2 (a), ensure that the existing mill is being operated efficiently and the miller has the capacity or is willing to provide the capacity to mill all the cane which may be produced, from the said lands.

Aggrieved person may appeal

33. Any person aggrieved by the decision of the Board pursuant to regulations 31 and 32 may, within sixty days after the date of decision, appeal to the Minister.

Sugar manufacturer may re-apply

34. Any sugar manufacturer whose licence has been cancelled by the Board may at any time apply to the Board for a new licence, upon satisfying provisions of these Regulations and such other conditions as the Board may impose on him.

Licensed manufacturer to comply with other regulations

35.-(1) Terms and conditions relating to the registration and the registered sugar manufacturer shall apply *mutatis mutandis* to sugar manufacturer's licensees.

(2) Every holder of a sugar manufacturer licence shall comply with provisions of these Regulations and any other regulations made under the Act.

### PART V

#### SUGAR EXPORTATION

Restriction to export sugar to a specified market without a licence

36.-(1) Any person intending to export sugar shall first obtain a licence issued by the Board.

(2) Any person who exports sugar without a licence issued by the Board shall be guilty of an offence and on conviction shall be liable to a fine not exceeding thirty million shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Conditions for exporting sugar to specified market

37.-(1) Any person who exports sugar to the specified markets indicated in the Third Schedule to these Regulations shall comply with the terms and conditions governing access to that market, which shall include but not limited to –

- (a) the quality of sugar, raw or white, as may be required by the

## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

export terms and conditions and in accordance with related specifications of the specified market;

- (b) delivery according to the agreed time or times of delivery to the markets;
- (c) enter into commercial contract with buyers as may be required;
- (d) comply with or procure all export documentations and approvals demanded by importing country or the specified market such as certificate of origin, phytosanitary certificate and special delivery forms;
- (e) submission of such reports or returns to the Board on the export in compliance with the agreement governing the specified sugar.

(2) Any person who exports sugar to a specified market and fails or ignores to comply with any terms or conditions of sugar export to the specified market, commits an offence and on conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twenty four months or to both.

38. Any sugar for export shall bear a quality certificate issued by a competent organization acceptable or recognized by the Board.

Quality  
certifica-  
tion

39.-(1) Any person wishing to export sugar shall apply to the Board for a sugar export licence using the sugar export application form prescribed in the Fourth Schedule to these Regulations.

Applicati  
on for  
sugar  
export  
licence

(2) The Board shall grant licence to the successful applicant and such licence shall be in the form prescribed in the Fourth Schedule to these Regulations.

40.-(1) The Board may refuse to grant a sugar export licence if –

Board  
may  
refuse to  
grant  
export  
licence

- (a) the proposed export is to a specified market which is served through special supply arrangements or sugar supply contracts and the applicant is not part of such arrangements or contracts;
- (b) the proposed export is to a market being regulated by quotas and the Tanzania's quota has already been exhausted or contracted for;
- (c) the maximum exportable quantity prescribed by the Board under these Regulations has been fully licensed for export;
- (d) the quality of the sugar proposed for export does not meet

## *Sugar Industry Regulations*

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*G.N. No. 173 (contd.)*

the official quality standards applicable to the proposed use of the sugar in the importing country or in the specified market.

(2) Notwithstanding the provisions of sub regulation (1) (c), the Board may grant an export licence where the expected proceeds from the exports substantially exceed the cost of importing the same quantity of sugar as that exported.

Board to prescribe exportable quantity of sugar

41.-(1) The Board shall prescribe the maximum quantity of sugar that may be exported every year.

(2) In establishing the maximum exportable quantity the Board shall take into account the domestic sugar production, the requirement of sugar for domestic and industrial use, and a buffer stock equivalent to not less than two months domestic and industrial consumption.

Information to be submitted to the Board

42. Any person granted with a sugar export licence shall, before export, submit to the Board: copy of the sale contract or pro-forma invoice which indicates the quantity and quality of sugar, the price, details of the buyer, country of destination and the period delivery is to take place.

Board may cancel export licence

43. The Board may cancel a sugar export licence if -

- (a) the terms of contract or sale contravene or fall short of any of the terms or conditions of the licence;
- (b) any of the information or particulars submitted in the application for licence are found to be false or materially inaccurate;
- (c) the quality of the sugar as certified in accordance with regulation 37 of these Regulations does not meet the quality of sugar for which the licence was issued or the quality of sugar the exporter contracted to supply;
- (d) the Board has reasons to believe that the sugar production upon which the exportable quantity of sugar was based will not be met by a substantial amount.

Appeals

44. Any person aggrieved by any decision of the Board pursuant to provisions of regulations 40 and 43 may appeal to the Minister within thirty days after the date of the decision.

## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

### PART VI

#### SUGAR IMPORTATION

- 45.-(1) The Regulations relating to registration of importers shall apply to all importers who import into Mainland Tanzania quantities of sugar aggregating to more than sixty metric tons within a period of twelve months. Scope of applicati-  
on of  
Sugar  
Import  
Regulati-  
ons
- (2) The Regulations relating to procedures, terms and conditions for sugar imports and sugar import licences shall apply to all imports of sugar into Mainland Tanzania.
- 46.-(1) For better execution of the provisions under this Part, there is hereby established a Technical Advisory Committee on sugar importation. Establish-  
ment of  
the  
Technical  
Advisory  
Commit-  
tee
- (2) The provisions of the Second Schedule to these Regulations shall have effect as to the composition of the committee, its functions, meetings, proceedings and other matters related thereto.
47. No person shall import sugar under category "A" or "B" licence specified in regulation 52 unless he has been registered by the Board. Restricti-  
on to  
import  
sugar  
without  
registra-  
tion
48. There shall be a register of sugar importers, which shall be kept by the Board. Board to  
keep a  
sugar  
import-  
ers  
register
- 49.-(1) The Board shall, through an advertisement in local newspapers, notify the public of its intention to commence registration of sugar importers. Adverti-  
sement
- (2) Such advertisement shall indicate the date the registration will commence, conditions for registration, information and documents to be furnished to the Board.
- 50.-(1) Registration of sugar importers shall be made upon application in the prescribed manner to the Board and any person who applies and satisfies the registration conditions shall be registered by the Board as a sugar importer. Applica-  
tion for  
sugar  
import  
registra-  
tion
- (2) The Board shall as soon as practicable after receipt of the application from applicants, process every application, and where it is

## *Sugar Industry Regulations*

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G.N. No. 173 (contd.)

decided that the applicant be registered it shall register him within thirty days from the date of the receipt of the application.

(3) The Board may refuse to grant registration on the application only on grounds that the applicant does not meet the requirements stated in the Act and in these Regulations.

(4) Where the Board does not grant registration to the applicant on any ground, which appears to the Board to be sufficient, it shall inform the applicant the grounds for its refusal.

(5) Any person aggrieved by the decision of the Board relating to registration or to a matter which affects or may affect the validity of registration, may appeal to the Minister within thirty days after receipt of the Board's letter of refusal.

Applicants to furnish information

51.-(1) Applicants for registration as importers of sugar for trading purposes shall furnish adequate information to enable the Board understand the nature and location of the applicants business; and such information may include the following –

- (a) name or names of business, directors and or owners;
- (b) permanent correspondence addresses;
- (c) principal location of their business;
- (d) branches or depots and their locations;
- (e) business agents, their location and addresses;
- (f) type of trade and merchandize;
- (g) quantities and quality of sugar imported for the last three years, if any;
- (h) copies of TIN, VAT registration certificates and trading license.

(2) In addition to the information required to be furnished by all sugar importers under sub regulation (1), applicants for registration as industrial users of sugar shall furnish the following information to the Board –

- (a) copy of certificate of incorporation;
- (b) copy of industrial licence;
- (c) type of products to be produced using sugar as one of the raw materials;
- (d) units of sugar utilized per unit of product;
- (e) specification of the sugar required;

## *Sugar Industry Regulations*

G.N. No. 173 (contd.)

- (f) factory installed capacity and the current utilized capacity; and
- (g) except for new or newly established enterprises, quantities of products produced and quantities of sugar utilized in production during the last three years.

52.-(1) Upon being satisfied on the requirements set out under regulation 51, the Board shall register applicants under the following two categories, namely -

- (a) *Category A*: importers of sugar for trading purposes; and
- (b) *Category B*: importers of sugar for industrial use purposes.

(2) A person shall be registered under category "A" if he satisfies the Board that -

- (a) he holds a valid business licence issued under the Business Licensing Act, 1972;
- (b) he is a registered tax payer under the Income Tax Act, 2004; and
- (c) he has been registered for value added tax under the Value Added Tax Act, 1997.

Categories of registration and related qualifications

Act No. 25 of 1972  
Act No. 11 of 2004  
Act No. 24 of 1997

(3) A person shall be registered under the second registration category if he satisfies the Board that -

- (a) he holds a valid industrial licence issued under the National Industries (Licensing and Registration) Act, 1967;
- (b) he owns and operates a factory, which manufactures a product for human consumption that is approved by the National Food and Drugs Authority or Tanzania Bureau of Standards or such other authority established under any other written law; and
- (c) the manufacturing process and the use of sugar thereof satisfies the definition of an industrial user of sugar as defined in the Act.

Act No. 10 of 1967

53. Except as provided under subregulation (4)(e) of regulation 62, no person shall be granted a licence for importation of sugar for any purposes unless he has been registered by the Board as a sugar importer.

Registration is a condition for import licence

## *Sugar Industry Regulations*

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*G.N. No. 173 (contd.)*

Terms  
and  
conditions

54. Any person registered by the Board as a sugar importer shall be required to comply with the following terms and conditions-

- (a) in the case of an importer of sugar for trading purposes, he shall submit to the Board on monthly basis, information regarding quantities and quality of sugar imported, the manner in which the sugar has been, is being or will be disposed of, stocks held and the place where such stocks are held;
- (b) in the case of industrial user of sugar, he shall submit information on quantities of sugar used in the production process and quantities of products produced;
- (c) subject to paragraph (d), he shall import only qualities of sugar that conform to standards for direct human consumption specified by the Tanzania Bureau of Standards, or the Tanzania Food and Drugs Authority or the Board;
- (d) in the case of industrial user of sugar, he shall import sugar with minimum specifications for refined sugar as may be specified by the Tanzania Bureau of Standards or the Board;
- (e) participate in importing sugar when called upon by the Board unless prevented from doing so by reasons acceptable to the Board;
- (f) pay all taxes, duties and levies payable on importation of sugar in accordance with the Customs Tariff Act, 1976 the Value Added Tax Act 1997, and sugar levies set out under the sugar industry Act and any other such duty or levy specified under any other written law; and
- (g) comply with all Sugar Import Licence conditions and any other conditions and import procedures as specified in such licence appearing in the Fourth Schedule to these Regulations.

Act No.  
12 of  
1976

Act No.  
24 of  
1997

Cancellation  
of  
registration

55. The Board may strike out from the register any registered sugar importer who fails to comply with any of the terms and conditions of registration provided under regulation 54 or who, had intentionally furnished to the Board false information or data at the time of registration or thereafter, or who ceases to qualify as a sugar importer under regulation 52 of these Regulations.



## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

56. Where the Board intends to de-register a registered sugar importer, it shall give the importer a thirty days notice of its intention to de-register him, stating the reasons thereof and requiring the importer to show cause, within thirty days from the date of receipt of such notice, why he should not be de-registered.

Board to give notice of de-registration

57. Any person aggrieved by the Board's decision of de-registration may, within twenty-one days, after being so notified, appeal to the Minister.

De-registered importer may appeal

58. Any person who has been de-registered by the Board as a sugar importer may be re-registered upon fulfilling conditions which were the reasons for his de-registration.

Re-registration

59.-(1) The registered importer shall be issued with a registration certificate, which shall indicate his registration number.

Registration certificate

(2) Unless a registered sugar importer has been de-registered under regulation 57 of these Regulations, the registration shall remain valid for a period of three years and may be renewed on application.

60.-(1) No person shall import sugar without a licence issued by the Board.

Restriction to import sugar without a licence

(2) Any person who imports sugar without a licence issued by the Board shall be guilty of an offence and on conviction shall be liable to a fine not exceeding thirty million shillings or to imprisonment for a term not exceeding three years or to both.

61.-(1) Except as otherwise provided, all applications to the Board for sugar import licences shall be in the form prescribed in the Fourth Schedule to these Regulations, and shall be accompanied with such fees as may be prescribed by the Board.

Mode of application

(2) Each application form shall contain such terms and conditions as may be prescribed by the Board.

62.-(1) The Board shall issue three categories of sugar import licences, which shall be designated as "A", "B", and "C", in accordance with procedures, terms and conditions prescribed in these Regulations.

Categories of licences

(2) The Board shall issue Category "A" sugar import licences to a person registered by the Board as sugar importer for trading purposes.

(3) The Board shall issue Category "B" sugar import licence to a

## *Sugar Industry Regulations*

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G.N. No. 173 (contd.)

person registered by the Board as sugar importer for industrial use purposes.

(4) The Board shall issue Category "C" sugar import licence for importation of sugar, which is not intended for industrial use, and except as provided under paragraph (e) of this sub-regulation, it is not intended for trade.

(5) Sugar under Category "C" shall not be categorized under such category unless it is imported by:-

- (a) Government or on its behalf for use by a Government department and not for sale to the public;
- (b) diplomatic missions accredited to Tanzania and which is not intended for domestic trade;
- (c) charitable organisations or religious organisations for own use or for relief or charity purposes, and which is not for supply to domestic trade;
- (d) specifically for in-flight catering services; or
- (e) individuals for own consumption or for sale but not exceeding 5 tons (5,000 kg) per consignment or a one year aggregate import not exceeding 60 tons.

Processing  
of licences  
applica-  
tions

63. The Board shall process every application for a licence within thirty days after receipt of the application and shall publish the list of licensed applicants in the local newspapers.

Maximum  
quantity  
of sugar

64.-(1) The Board shall issue import licences subject to the maximum quantity sugar requirements for a period of twelve months.

(2) In determining the amount of sugar to be imported, the Board shall take into account among other things, the sugar deficit between local production and local consumption, including sugar that is needed to maintain a buffer stock in the country.

(3) The Board shall advertise in the newspapers the quantity of sugar which will be open for import licensing during the next twelve months period, one month before the start of that period.

(4) The advertisement made under sub regulation (2) shall invite eligible sugar importers under sugar import licence categories "A", "B" and "C" to apply for import licences, and shall indicate the last day for receiving applications for sugar import licences and the applicable application and licence fees.

## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

65.-(1) In case of category "A" sugar importation licence, where the Board is of the opinion that the maximum quantity of sugar to be imported is equal to or exceed the aggregate of the total quantities of licences applied for, the Board shall grant import licences for quantities as applied for. Licensed quantities

(2) In case of category "A" sugar importation licence where the maximum quantity of sugar to be imported is less than the aggregate of the quantities for which import licences have been applied for, the Board shall allocate the quantity to be imported to all or some of the applicants taking into account viability of shipment quantities, reliability of the importer, the desirability of competition in the domestic sugar market, the sugar distribution network of the applicant and any other relevant factor or factors.

(3) In considering sugar importation of category A sugar under sub regulation (2), applicants may be invited to submit oral or written submissions to the technical committee to explain why they should be allowed to import sugar as they applied for.

66. All sugar import licences granted by the Board shall-

- (a) be in the form set out in the Fourth Schedule to these Regulations;
  - (b) indicate the category of the licence granted,
  - (c) specify the validity period;
  - (d) state the quantity of sugar covered by the licence in metric tons or kilograms;
  - (e) state whether the quantity is for single or multiple entry, and ports to be used;
  - (f) state the proposed use of the sugar whether for trade, industrial use, personal consumption, relief, in-flight use or any other use;
  - (g) state the importer's registration number or references, if applicable; and
  - (h) state the licence fee paid and payment reference.
- Specifications of licence

67.-(1) The Board may refuse to issue a sugar import licence if -

- (a) the applicant falls under category "A" or "B" licence but has not been registered by the Board in accordance with these Regulations;

Board may decline to issue licence

## *Sugar Industry Regulations*

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G.N. No. 173 (contd.)

- (b) the applicant has breached or is in breach of any of the conditions of registration;
- (c) the Board is not satisfied with the purpose(s) for which the import is to be made;
- (d) the Board is satisfied that the import will result into an increase of sugar stock in the country in excess of sugar which can be consumed during the ensuing twelve months and a buffer stock of two months, taking into account sugar production, sugar imports and exports during the issuing twelve months;
- (e) the Board is satisfied that the applicant previously breached conditions of licence or conducted himself in a manner that is contrary to the Fair Competition Act, 2003.

Act No.  
8 of  
2003

(2) Where the Board declines to grant a sugar import licence, it shall within twenty-one days after the date of decision inform the applicant in writing the reasons for refusal.

Appeals

68. Any person aggrieved by the decision of the Board made under subregulation (1) of regulation 67 may, within thirty days after the date of notification, appeal to the Minister.

Suspension or  
cancellation of  
licence

69.-(1), The Board may for specific reasons relating to the enforcement of these Regulations or the Act made known to the holder of the sugar import licence issued under these Regulations, suspend or cancel such a licence.

(2) In suspending a licence under sub regulation (1), the Board shall ensure that -

- (a) the licence holder has not at the material time made a confirmed irrevocable order for sugar from a foreign supplier;
- (b) the suspension does not exceed a period of ninety days.

(3) The Board may cancel any sugar import licence if it is satisfied that the licence holder -

- (a) had furnished false information or failed to disclose to the Board material information which would have disqualified him from being granted an import licence;
- (b) has not adhered to or is in the process of contravening the conditions governing the licence or his registration;

## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

- (c) has ceased to carry on the business in respect of which the licence was granted;
- (d) is involved in evading import duties or taxes payable under any written law; or
- (e) is involved in sugar price fixing or hoarding for price speculation or doing anything contrary to the Fair Competition Act; 2003

Act No. 8  
of 2003

70.-(1) All information supplied to the Board for registration of a sugar importer, licensing sugar importation or for any other reason shall be kept or treated as confidential and may be used by the Board only for the better carrying out of the provisions or purposes of the Act and these Regulations.

Confidentiality

(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and upon conviction he shall be liable to the punishment prescribed under section 35 of the Act.

71. The Board may, by notice in the *Gazette* impose or specify requirements for sugar import licences and conditions for licence for importation of other types of sugar other than granular sucrose produced from sugar cane and sugar beet.

Sugar other than sugar from cane and beet.

### PART VII

#### SUGAR LEVIES AND DEVELOPMENT FUND

72.-(1) Except for small scale sugar producers, any person in Mainland Tanzania who produces and sells sugar shall pay to the Board a sugar levy equivalent to United States Dollars 2.75 per metric ton of sugar sold in Tanzania or its equivalent in Tanzania Shillings.

Sugar producers to pay levy

(2) The Minister may, by notice in the *Gazette* vary the levy prescribed under sub regulation (1).

(3) The levy prescribed under sub regulation (1), shall be due and payable on the 30<sup>th</sup> day of the month in respect to sales of sugar made during the previous month.

(4) The payment of levy shall be supported by any suitable sales returns document, similar to or same as sales returns made for the purposes of payment of VAT.

(5) For avoidance of doubt, sales of sugar shall include all sugar howsoever disposed except sugar exported from Mainland Tanzania.

## *Sugar Industry Regulations*

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G.N. No. 173 (contd.)

Offences  
and  
penalty  
for  
refusing  
to pay

73.-(1) Any person who refuses, fails or neglects to pay the levy prescribed under sub regulation (1) of regulation 72 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twenty four months or to both.

(2) In any proceedings for an offence under this regulation, the court may, in addition to any order or sentence, order that any amount of sugar produced in respect of which levy was to be paid, be forfeited to the Government.

Importers  
of sugar  
to pay  
levy

74.-(1) Any person who imports sugar into Mainland Tanzania shall pay to the Board or an agent appointed by the Board a sugar levy of United States Dollars 3.00 per metric ton or its equivalent in Tanzania Shillings.

(2) The Minister may, by Notice in the *Gazette* vary, or exempt any person from payment of the levy stated in sub regulation (1) hereof.

(3) The levy prescribed under sub regulation (1) shall be due, payable and shall be paid by the importer before the sugar is cleared through customs.

(4) For the purpose of payment of the levy in Tanzania shillings the exchange rate for converting the United States Dollars to Tanzania shillings shall be the rate applied by the customs in the valuation of the sugar import.

(5) For avoidance of doubt, levy shall be levied on all sugar importations into Mainland Tanzania, irrespective of its value or its duty tariff or its source or its destined use.

(6) Payment of the levy prescribed under sub regulation (1) shall be a condition for clearance of sugar destined to Mainland Tanzania, through customs, including sugar held in customs bond.

(7) Any person who imports sugar and fails or neglects to pay the prescribed levy shall be guilty of an offence and shall be liable on conviction to a fine not exceeding shillings two million or imprisonment for a term not exceeding two years or to both.

(8) The provisions of regulation 73(2) relating to forfeiture shall apply *mutatis mutandis* to persons who import sugar.

## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

75.-(1) Unless otherwise agreed by the Board in writing, all payments for levy shall be by means of a banker's cheque, bank draft, bank transfers or similar liquid financial instruments. Mode of payment of levy

(2) Where payment of levy is made through an agent appointed by the Board, a copy of the payment document or an appropriate payment advice shall be sent to the Board by the agent.

(3) Any agent who fails to comply with the provisions of sub-regulations (1) and (2) of this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two million shillings or imprisonment for a term not exceeding two years or to both.

76.-(1) There is hereby established a Fund for development of the sugar industry to be known as "the Sugar Industry Development Fund", herein referred to as "the Fund". Establishment of the Sugar Industry Development Fund

(2) The sources of moneys for the Fund shall be the levies on sugar prescribed under regulation 72 and 74 of these Regulations.

(3) The Fund shall be used to finance the activities relating to:

- (a) sugarcane research and marketing promotion;
- (b) training and technological advancement;
- (c) cost of administering the Fund;
- (d) promotion of out-grower cane development and sugar plants;
- (e) administration of the Board; and
- (f) such other activities of interest for the promotion and development of the sugar industry as may be approved by the Board of Directors.

77. The management of the Fund shall vest in the Board of Directors and shall manage the Fund generally in accordance with these Regulations. Management of the Fund

78.-(1) The Board shall open a special Bank account at a bank approved by the Board of Directors, to be known as the "Sugar Development Fund Account" into which each and every proceeds accruing to the Fund shall be deposited and from which each and every payment on account of the Fund shall be withdrawn. Board to open a special bank account for the Fund

## *Sugar Industry Regulations*

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G.N. No. 173 (contd.)

(2) All payments or withdrawals from the account, by cheque, payment instructions or any other instrument shall be authorized by two officers of the Board appointed as bank signatories for that account by the Board of Directors.

(3) Unless circumstances dictate otherwise all payments on account of the Fund shall be by cheques.

(4) All moneys received for account of the Fund shall be deposited in the Fund's bank account as soon as received and shall not be deposited in any other account.

Board to  
keep  
books of  
accounts  
of the  
Fund

79.-(1) The Board shall keep and maintain proper books of accounts for the Fund in which shall be recorded –

- (a) all sums of money received by the Board for account of the Fund, reflecting the matters in respect of which the receipt relates;
- (b) all sums expended by the Board on account of the Fund reflecting the matters in respect of which the expenditure is made; and
- (c) all assets and liabilities acquired by or for account of the Fund.

(2) At the end of every financial year, the Board shall prepare, a receipt and expenditure statement, and a statement of the assets and liabilities of the Fund.

(3) The books of accounts of the Fund shall be audited by an authorized auditor appointed by the Board of Directors and audit reports shall be submitted as provided under the Act.

Funds to  
be spent  
on  
approved  
budgets

80.-(1) Expenditures from the Fund shall only be in respect to activities as provided under the Act or under these Regulations and shall be on the basis of approved budgets of the executing agencies of the respective activities.

(2) The allocation of funds from the Fund to respective executing agencies shall be made annually by the Board of Directors.

(3) The release of funds to the executing agencies shall be made by the Board at such time and in such amounts as the Board shall deem fit, taking into account the flow of funds into the Fund, implementation schedules of executing agencies and other relevant factors.



## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

(4) Any person who receives any funds from the Fund shall submit to the Board an expenditure report at such time and in such manner and detail, as the Board shall direct.

(5) The Board may at any time carry out an audit and or inspection of records, activities or properties of the executing agency to verify the use of moneys allocated from the Fund.

81.-(1) Any person who, without prior approval of the Board, uses any funds from the Fund to finance an item or an activity other than items or activities for which the funds were allocated, shall be guilty of an offence and shall be subject to such disciplinary action or penalty by the Board of Directors, or as the Minister may direct.

Misuse  
of  
money  
from the  
Fund.

(2) Notwithstanding the provisions of sub regulation (1), any person who misappropriates or steals any funds from the Fund shall be guilty of an offence and shall be subject to proceedings in a court of law in accordance with the relevant laws.

82. Subject to the provisions of the Government Loans, Guarantees and Grants Act, 1974, the Board shall not take any loan from any financial institution unless such loan has been approved in writing by the Minister responsible for finance.

Restriction  
from  
taking  
loan,  
Act No.  
30 of  
1974

### PART VIII

#### APPOINTMENT AND TERM OF SERVICE OF OFFICERS OF THE BOARD

83. The Director General of the Board and other officers of the management shall, upon appointment, enter into contracts with the Board, with terms and conditions which shall, among other things include the following –

Board  
officers  
to work  
on  
contracts

- (a) term of service, which shall not exceed five years and which may be renewed or extended from time to time as the Minister or the Board may think fit;
- (b) specific and general duties, which shall include, but not limited to:
  - (i) carrying out such activities as necessary for the performance of the Board's functions as stipulated in the Act and these Regulations;

## *Sugar Industry Regulations*

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G.N. No. 173 (contd.)

- (ii) carrying out activities to be carried out by the Board for the successful implementation of the sugar development plan; and
  - (iii) performing such other duties, as may be directed by the Minister or the Board of Directors.
- (c) observe such standards of service to the Board's clients as may be prescribed under these Regulations or any other rules made under the Act.
- (d) termination of the contract in the event of non-fulfilment of the stipulated contract conditions.

Board to develop staff performance evaluation standards

84. The Board shall develop staff performance evaluation scheme, which shall be based on physical achievement of set out targets.

Board to establish clear standards of service

85. The Board shall establish clear standards of service to its clients.

# Sugar Industry Regulations

G.N. No. 173 (contd.)

## FIRST SCHEDULE

(Under regulation 25(1))

### SUGAR MANUFACTURERS' REPORTING FORMS

<b>THE SUGAR BOARD OF TANZANIA</b>	SR.NO. 01 SBT - 01
<b>SUGAR MANUFACTURER'S MONTHLY RETURNS</b> <i>(Submitted in compliance with regulation 11)</i>	
<ul style="list-style-type: none"> <li>• Name of sugar manufacturer) .....</li> <li>• Manufacturing licence No. .... issued on .....</li> <li>• Returns for month of ..... year 20....</li> </ul>	
1.1.	Sugar in stock at beginning of the month ..... tons/kg
1.2	Sugar produced during the month..... tons/kg
1.3	Sugar sold during the month ..... tons/kg
1.4	Sugar in stock end of the month:-
(a)	In depots (give name/place)
	(i) ..... tons
	(ii) ..... tons) ..... tons
	(iii) ..... tons)
	(iv) ..... tons)
(b)	At the mills' godowns
	(i) ..... tons)
	(ii) ..... tons) ..... tons
(c)	Total sugar in stock end of month (a + b) ..... tons
2.1	Milling season's production target ..... tons/kg
2.2	Produced to - date ..... tons/kg
2.3	Expected production to end of season ..... tons/kg
3.0	Molasses produced to-date ..... tons, sold to date ..... tons/kg
4.1	Own cane crushed during the month ..... tons/kg
4.2	Own cane crushed to-date ..... tons/kg
4.3	Balance own cane to end of season ..... tons/kg
5.1	Outgrowers cane crushed during the month ..... tons/kg
5.2	Outgrowers cane crushed to-date ..... tons/kg

## Sugar Industry Regulations

G.N. No. 173 (contd.)

5.3	Balance outgrower cane to end of season .....
	tons/kg
6.1	Average ex-factory selling price for sugar during the month .....
6.2	Average ex-factory price for molasses .....
7.0	Other remarks: .....
Signature..... Designation:..... Date:.....	

<b>THE SUGAR BOARD OF TANZANIA</b>	SBT – 02
<b>SUGAR MANUFACTURER'S ANNUAL REPORT/STATISTICS</b>	
To be submitted to the Board by 31 <sup>st</sup> May (Under regulation 11)	
1.	Name of sugar manufacturer .....
2.	Sugar manufacturing licence No. .... issued on .....
3.	Report for milling season 20.../20... ending (date) .....
4.	Area under sugarcane (own cane) ..... ha
*5.	Area under sugar cane (outgrowers) ..... ha
6.	Area harvested, ended season (own cane) ..... ha
*7.	Area harvested, ended season (outgrowers) ..... ha
*8.	Left over/deferred cane (own) ..... ha
*9.	Left over/deferred cane (outgrowers) ..... ha
10.	Planned increase (decrease) own cane area next season ..... ha
*11.	Planned increase (decrease) outgrower cane area next season ..... ha
12.	Planned increase in milling rate (explain) .....
13.	Opening sugar stock beginning of season ..... tons
	Total sugar produced during the season ..... tons
	Sugar sold during the season ..... tons
	Unsold sugar stock at end of season ..... tons
14.	Molasses produced during the season ..... tons
	Molasses sold locally during the season ..... tons
	Molasses sold for export/exported ..... tons
	Molasses drained/wasted ..... tons
	Molasses stock end of the season ..... tons
* = Estimates	
15.	<b>Highest number of people employed during the season:</b>
	Senior staff ..... Other Remarks
	Middle level .....
	Lower level .....
	Seasonal .....
	Casual .....
16.	If some of the production activities were contracted by the manufacturer to third parties (e.g. cane cultivation, harvesting, transport, farm machinery repairs & services, roads maintenance etc) give below the number of people employed by the third parties. ..... .....

## Sugar Industry Regulations

G.N. No. 173 (contd.)

17.	<p><b>Sugar marketing</b> Indicate below the major sugar distribution points/outlets and where possible the quantities distributed at those points.</p>
18.	Summarize below major problems or bottlenecks faced in sugar production, sugar marketing (distribution) or in investment.
19.	Investment (CAPEX) – Summarize here major investments undertaken during the financial year.
20.	Investment (CAPEX) next season: Summarise nature and extent of planned investment next financial year.

CAPEX = Capital Expenditure

	14
21.	<p>Expected production next season 20..../20.....</p> <ul style="list-style-type: none"> <li>• Milling season to start about (date) .....</li> <li>• Milling season to end about (date) .....</li> <li>• Cane to be crushed (own cane) .....</li> <li style="padding-left: 20px;">tons</li> <li>• Cane to be crushed (outgrowers) .....</li> <li style="padding-left: 20px;">tons</li> <li>• Sugar to be produced .....</li> </ul> <p>Signature: .....</p> <p>Designation: ..... Date: .....</p>

### SECOND SCHEDULE

(Under Regulation 46(2))

1. -(1) The Technical Committee on Sugar Importation shall be composed of the following members:- Composition
- (a) the Director General of the Board, who shall be the Chairman of the Committee;
  - (b) two representatives from the Confederation of Tanzania Industries (CTI);
  - (c) one representative from the Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA);
  - (d) two representatives from the Tanzania Sugar Producers Association (TSPA);

## *Sugar Industry Regulations*

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G.N. No. 173 (contd.)

- (e) one representative from Tanzania Sugarcane Growers Association (TASGA);
- (f) one representative from the Ministry of Industries and Trade;
- (g) one representative from the Customs and Excise Department, Tanzania Revenue Authority;
- (h) one representative from the Ministry of Agriculture and Food Security; and
- (i) one representative from the Ministry of Finance.

(2) The Board shall appoint one of its officers to be the Secretary of the Committee.

(3) The Committee may, co-opt any person who is in a position to assist the committee in its deliberations as it may determine from time to time.

Functions  
of the  
Committee

2.-(1) The Committee shall be a technical advisor to the Board on matters of sugar importation and on locally produced sugar for industrial use purposes.

(2) Without prejudice to the generality of sub-paragraph (1) the functions of the Committee shall be: -

- (a) to consider applications for the registration of industrial users of sugar and importers of sugar for trade (domestic consumption) and advise the Board on registration and any matters related thereto;
- (b) to advise the Board on sugar import requirements over a given period;
- (c) to consider applications for sugar import licenses and advise the Board on granting of import licenses to applicants, quantities of sugar for each license and any other matter relating to the licenses to be issued; and
- (d) to advise the Board on any other matter relating to sugar importation, and the production locally and sale of sugar for industrial use;

(3) For the purposes of this paragraph "industrial sugar" includes locally produced industrial sugar.

Meetings  
of the  
Committee

3.-(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of its business.

(2) All meetings of the Committee shall be convened by the Chairman.

(3) Notice for meetings of the Committee shall be seven days.

Quorum

4. Six members of the Committee present shall constitute a quorum at any meeting.

Minutes

5. Minutes of each meeting of the Committee shall be kept by the Secretary and the same shall be confirmed at the next meeting of the Committee and signed by the Chairman.

## *Sugar Industry Regulations*

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*G.N. No. 173 (contd.)*

6.-(1) All documents, information, transactions and recommendations of the Committee shall be strictly confidential to the Committee and the Board. Confidentiality

(2) All communications to any party interested in or otherwise affected by any transaction, and recommendations of the Committee shall be made by the Board.

7.-(1) Any member representing a party, parties or institution with interest on an application or any matter being deliberated by the Committee shall declare his interest to the fellow members. Members to declare interest

(2) Where a member has declared any interest as provided under sub regulation (1), he shall not take part in or be present at the consideration or discussion of any question with respect to the application or any matter being deliberated by the Committee.

8. Subject to the provisions of the Act and these Regulations, the Committee shall regulate its own procedures in respect of meetings and proper conduct of its business. Procedures

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### **THIRD SCHEDULE**

*(Under regulation 37(1))*

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#### **Current Specified markets**

1. The European Union (EU)
2. The countries forming part of the Southern Africa Customs Union (SACU).

## Sugar Industry Regulations

G.N. No. 173 (contd.)

### FOURTH SCHEDULE

(Under regulation 39(1))

#### APPLICATION, LICENCE FORMS AND TERMS AND CONDITIONS

<b>THE SUGAR BOARD OF TANZANIA</b>			
<b>SML .No</b>	<b>SUGAR MANUFACTURERS' LICENCE</b>	*	SR.NO. SBT 03
<p><i>(Issued under S.12(1), of the Sugar Industry Act)</i></p> <p>M/S (Name &amp; address) .....</p> <p>.....</p> <p>.....</p> <p style="text-align: center;"><b>IS HEREBY LICENCED TO CARRY OUT THE BUSINESS OF MANUFACTURING SUGAR</b></p> <p>1. Sugar manufacturer registration reference .....</p> <p>2. Registration category .....</p> <p>3. Licence number ..... issued on .....</p> <p>4. Validity: Valid until.....</p> <p>5. <b>Conditions:</b></p> <p style="padding-left: 20px;">(i) This licence is governed by the Sugar Manufacturing and Licensing Regulations, 2004.</p> <p style="padding-left: 20px;">(ii) This licence is not transferable</p> <p style="padding-left: 20px;">(iii) This licence must be displayed at the place where sugar is manufactured and produced to any authorized inspector, on demand.</p> <p style="padding-left: 20px;">(iv) If defaced return this licence to the Board for replacement.</p>			
<p>Signature..... Date:.....</p>			
<p>Designation .....</p>			
<p>* Enter A, B, or C for registration category (item 2)</p>			



## Sugar Industry Regulations

G.N. No. 173 (contd.)

SBT-04

<b>THE SUGAR BOARD OF TANZANIA</b>										
A.C	<b>APPLICATION FOR SUGAR IMPORT LICENCE</b> <i>(Non industrial sugar)</i>	Sr.No.								
<p>1. I/We (Name(s) and address of Applicant(s)) .....</p> <p>.....</p> <p>.....</p> <p>Hereby apply for a licence to import sugar stated below:-</p> <p>2. I/We am/are registered sugar importer/not registered sugar importer.</p> <p>3. Registration Certificate No. .... dated .....</p> <p>4. Quantity to be imported ..... bags/tonnes</p> <p>5. Quality of the sugar: (<i>Refined/White/VHP/DC Raw</i>) .....</p> <p>6. Period (month and year): From ..... 20.... to ..... 20 ....</p> <p>7. Use of the sugar to be imported</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; width: 20%; height: 20px;"></td> <td style="padding-left: 20px;">Normal trading (a registered sugar importer)</td> </tr> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="padding-left: 20px;">Normal trading ( not a registered sugar importer)*</td> </tr> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="padding-left: 20px;">Own consumption</td> </tr> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="padding-left: 20px;">Other (<i>state</i>) .....</td> </tr> </table>				Normal trading (a registered sugar importer)		Normal trading ( not a registered sugar importer)*		Own consumption		Other ( <i>state</i> ) .....
	Normal trading (a registered sugar importer)									
	Normal trading ( not a registered sugar importer)*									
	Own consumption									
	Other ( <i>state</i> ) .....									
<p>If you are not a registered sugar importer enclose copy of Business Licence and TIN certificate</p> <p>8. Single/multiple entry .....</p> <p>9. Port(s) of entry .....</p> <p>10. Previous sugar import Licence No. .... for ..... tons</p> <p>11. Application Fee: Shs. .... already paid/enclosed/remitted</p> <p>(<i>Give details</i>) .....</p> <p>12. Conditions: See reverse side.</p> <p>Signature Application..... Date:.....</p> <p style="text-align: center;">For official use</p>										

### CONDITIONS FOR APPLICATION

Validity of this application is dependent on payment of the specified application fee.

Application for sugar to be used for trading purposes by an applicant who has not been registered by the Board must be accompanied with a copy of relevant business licence and copy of TIN certificate.

By signing and submitting this application to the Board the applicant declares that he has the financial and logistical capacity to import the sugar applied for if granted licence

This application and any licence arising there-from is governed by the Sugar Import Regulations, 2004.

## Sugar Industry Regulations

G.N. No. 173 (contd.)

SBT - 05

<b>THE SUGAR BOARD OF TANZANIA</b>		
<b>B</b>	<b>APPLICATION FOR SUGAR IMPORT LICENCE: (Industrial sugar)</b>	<b>Sr. No.</b>

1. I/We (Name and address of Applicant) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Hereby apply for a sugar Import Licence Category B to import sugar for Industrial use as stated hereunder.

2. Registration Certificate No. \_\_\_\_\_ dated \_\_\_\_\_
3. Quantity of sugar to be imported \_\_\_\_\_ metric tons
4. Period (month & year), from \_\_\_\_\_ 20 \_\_\_\_\_ to \_\_\_\_\_ 20 \_\_\_\_\_
5. Single or multiple entry \_\_\_\_\_
6. Port (s) of entry \_\_\_\_\_
7. Last Import Licence was No. \_\_\_\_\_ for \_\_\_\_\_ tons
8. Production from the last imported sugar (item 7) is per page 2 overleaf.
9. Fill in the type and quantities of products to be produced from the sugar to be imported (item 3).

<u>Product</u>	<u>Quantity</u>	<u>Product</u>	<u>Quantity</u>

10. Application Fee: Shs. .... already paid/enclosed/remitted

(Give details) \_\_\_\_\_

Signature: ..... Designation:.....Date:.....

For official use

### PRODUCTION (previous licence(s))

1. Last Import Licence No(s). \_\_\_\_\_
2. Tons sugar imported \_\_\_\_\_
3. Total tons sugar used \_\_\_\_\_

## *Sugar Industry Regulations*

*G.N. No. 173 (contd.)*

4. Products produced	Sugar used
(i) _____	_____ kg
(ii) _____	_____ kg
(iii) _____	_____ kg
(iv) _____	_____ kg
(v) _____	_____ kg
(vi) _____	_____ kg

### **CONDITIONS FOR APPLICATIONS OF IMPORT LICENCE (Industrial Sugar)**

1. Validity of this application is dependent on payment of the specified application fee.
2. By signing and submitting this application to the Board the applicant declares that if granted licence the sugar he will import will be solely for industrial use and shall not be sold or disposed of in any other manner except as may be approved by the Board.
3. Licence granted under this application shall be used to import refined sugar only.
4. This application and any licence arising there-from is governed by the Sugar Import Regulations, 2004.

*Sugar Industry Regulations*

G.N. No. 173 (contd.)

**THE SUGAR BOARD OF TANZANIA**

CN

**SUGAR IMPORT LICENCE**

\*\*

**SR. No.  
SBT 06**

*(Issued under Sect. 14 – (1), Sugar Industry Act No. 26 of 2001)*

1. LICENCE CATEGORY \_\_\_\_\_ for\* \_\_\_\_\_  
M/S (Name & address) \_\_\_\_\_

**IS HEREBY LICENCED TO IMPORT SUGAR AS UNDER**

- 2. Quantity: \_\_\_\_\_ mt. \_\_\_\_\_ tons)
- 3. Quality: \_\_\_\_\_
- 4. Period: between \_\_\_\_\_ and \_\_\_\_\_
- 5. Port (s) of entry: \_\_\_\_\_
- 6. Single or multiple entry: \_\_\_\_\_
- 7. Importer's Registration: \_\_\_\_\_
- 8. Fee paid: Shs. \_\_\_\_\_ Receipt No. \_\_\_\_\_
- 9. Validity: Valid until \_\_\_\_\_

10. Conditions of Licence: See overleaf

Signature	Designation	Date
Signature	Designation	Date

For official use (Customs endorsement of quantities)

\* Industrial or trade or personal consumption, relief, etc.  
\*\* Enter A or B or C for category of licence. CN = Issue code number

*Sugar Industry Regulations*

G.N. No. 173 (contd.)

Form

SBT - 06

**THE SUGAR BOARD OF TANZANIA**

**APPLICATION FOR SUGAR EXPORT LICENCE**

I/We (Name) ..... of

• (Postal Address) .....

• Physical address/location .....

• Telephone ..... Fax ..... E-mail .....

**HEREBY APPLY FOR LICENCE TO EXPORT SUGAR -**

1. Sugar from (company/manufacturer): .....

2. Quantity to be exported (M.tons): .....

3. Country to which export will be made: .....

4. Month and year when export will be made: .....

5. Mode of transport (tick): sea  air  road  rail

6. Port or border post of exit .....

7. Quality of the sugar: jaggery  raw for refining  DC/VHP raws

White  Refined  other specify.....

8. Explain the nature of export obligation you have with the buyer or purpose of the export .....

9. State the estimated CIF selling price in US\$ .....

10. If consignment/shipment will be in lots state each lot quantity .....

11. Enclose copies of the following with this application: Business/Trading Licence, TIN & VAT registration certificates.

Signature of applicant: ..... Date .....

Designation: .....

*Sugar Industry Regulations*

G.N. No. 173 (contd.)

**THE SUGAR INDUSTRY ACT, 2001 (regulation 7(2))  
(NO. 26 OF 2001)**

**THE SUGAR BOARD OF TANZANIA**

**S.E.L.No.**

**SUGAR EXPORT LICENCE**  
Issued under sect. 15 of Act No. 26 of 2001

**SR.NO.**  
**SBT 07**

M/S (Name & Address) .....

**IS HEREBY LICENCED TO EXPORT SUGAR:-**

Licence No. .... issued on .....

1. Quantity: .....
2. Quality: .....
3. Export to (countries) .....
4. Port(s) of exit .....
5. Names(s) and address (es) of Buyer(s): .....

6. Single or multiple shipment(s) & dates: .....

7. Category of market: Specified market  not specified market

8. Validity: This licence is valid until: .....

9. Licence fee paid Shs. .... receipt .....

10. Conditions of Licence: see overleaf

Signature: ..... Date .....

Designation: .....

**CONDITIONS OF LICENCE**

- (1) Licence holder shall export sugar produced in Tanzania only.
- (2) Export only the quantity and quality of sugar stated.
- (3) Before exporting sugar, submit to the Board copy of quality certificate and pro-forma invoice/contract.

*Provisional Collection of Taxes and Duties*

G.N. No. 173 (contd.)

- (4) Special conditions
- (a) .....
  - (b) .....
  - (c) .....
  - (d) .....
  - (e) .....

Dar es Salaam,  
15<sup>th</sup> June, 2005

CHARLES N. KEENJA,  
*Minister of Agriculture and Food Security*

GOVERNMENT NOTICE No. 174 published on 24/06/2005

**THE PROVISIONAL COLLECTION OF TAXES AND DUTIES  
ACT, 1963 (CAP. 515)**

**ORDER**

*Made under section 2*

**THE PROVISIONAL COLLECTION (FINANCE ACT, 2005) ORDER, 2005**

WHEREAS, the President has approved the introduction into the national Assembly of a Bill for an Act having the short title "the Finance Act, 2005" which Bill is to be published in a Supplement to the same issue of the *Gazette* as is the Supplement containing this order, whereby if the Bill be passed into law, certain taxes and duties would be imposed, created, removed or varied:

NOW THEREFORE, in the exercise of the powers vested in the President by section 2 of the Provisional Collection of Taxes and Duties Act, 1963, it is hereby ordered as follows: