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NO.23 CORPORATIONS SOLE (ESTABLISHMENT) 1974

THE UNITED REPUBLIC OF TANZANIA

No. 23 OF 1974

I ASSENT,
J.K. NYERERE,
President,
20TH AUGUST, 1974

An Act to enable the President to establish corporations sole to facilitate the more efficient carrying on of commercial or industrial enterprises by public department

(.....)

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Corporations Sole (Establishment) short title Act, 1974.

2. In this Act "Minister" in relation to any corporation sole means Interpretation the Minister for the time being responsible for the department for which the corporation sole is established.

3. (1) Where the President is of the opinion that it is expedient or desirable to establish a corporation sole in order to facilitate the carrying on of any commercial or industrial enterprises by a public department he may, by order in the Gazette designate any public office to be a corporation sole. President may designate any public office to be corporation sole

(2) Every order made under subsection (1) shall specify the public department in relation to which the corporation is established and may specify the commercial or industrial enterprise which may be carried on by the corporation.

(3) Where any public office is designated to be a corporation sole the public officer for the time being holding or acting in the public office Shall have and may exercise all the powers of a corporation sole.

(4) Every Corporation Sole Established by an order under this section shall –

- (a) Have perpetual succession and a common seal;
- (a) In its corporate name be capable of suing and being sued;
- (c) Subject to the provision of this Act and any order made by the President in that behalf be capable of purchasing and otherwise acquiring, and of alienating any property, movable or immovable.

Function of Corporation Sole 4. (1) Every Corporation Sole shall carry on the commercial or industrial enterprise which it is authorized to carry on in an efficient manner and in accordance with the best mercantile traditions and may –

- (a) do anything or enter into any transaction which in its opinion is calculated to facilitate the proper and efficient carrying on of its activities and the proper exercise of its functions;

(b) do all such acts and things as may be necessary to uphold and support the credit of the Corporation and to obtain and justify public confidence, and to avert or minimize any loss to the Corporation.

(2) The Minister responsible for the public department in relation to which a Corporation Sole is established may give the Corporation such directions of a general or specific nature as he may consider fit and the Corporation shall give effect to every such direction.

Financial
Provisions

5. (1) The funds and resources of a Corporation Sole shall be:-

(a) Such sums as may be provided by Parliament either by way of loan or grant,

(b) Such sums of money as the corporation may borrow;

(c) Such sums of money or other property as may in any manner become payable to or vested in the Corporation Sole by any written law or incidental to the carrying out of its functions.

(2) A Corporation Sole shall not borrow any sum of money from any person other than the Government, the National Bank of Commerce, the Tanzania Investment Bank or the Tanzania Rural Development Bank, save in accordance with the Regulations made under this Act:

Provided that a person lending money to a corporation sole shall not be bound to enquire whether the provisions of this subsection have complied with.

(3) Not less than two months before the beginning of any financial year (other than the first financial year) every Corporation Sole shall cause to be prepared and submit to the Minister and the Treasury registrar a detailed budget (in this Act called the annual budget of the amounts respectively-

(a) expected to be received; and

(b) expected to be disbursed,

(4) If in any financial year a corporation sole requires to make any disbursement not provided for or off an amount in excess of the amount provided for, in the annual budget for that year, it shall submit to the Minister and the treasury registrar a supplementary budget detailing such disbursement.

(5) The annual budget and every supplementary budget shall be in such form and include such details as the Treasury Registrar may direct.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget and after consultation with the treasury Registrar approve or disapprove the same or may approve subject to such amendments as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on corporation sole, which shall, subject to the provisions of subsection (8). Confine its

disbursements within the items and the amounts contained in the applicable estimates as approved by the Minister.

- (8) A corporation sole may-
- (a) with the sanction in writing of the Minister and of the treasury registrar, make a disbursement notwithstanding that such disbursement is not provided for in any budget;
 - (b) from the amount of expenditure provided for in any budget in respect of any item, transfer, a sum not exceeding ten thousand shillings to any other item contained in such budget;
 - (c) adjust expenditure limits to take account of commercial and climatic changes not reasonably for seeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister and the treasury registrar within two months of such alteration of expenditure limits becoming necessary.
- (9) In this section "financial year" in relation to any corporation sole means the period commencing on the first day of July in any year and expiring on the thirtieth day of June in the following year:
Provided that the first financial year of a corporation sole shall commence on the date on which it is established and shall expire on the thirtieth day of June in the following year.

6. Every corporation sole established under this act shall be deemed corporation To
be specified in Part II of the Schedule to the companies sole to be
(Regulations of Dividends and Surpluses and miscellaneous specified
Provisions)Act, 1972 and that Act shall apply to corporation company
Accordingly. Acts, 1972
No.22

7. The Minister for the time being responsible for finance
may make regulations regulating the administration of the
funds and resources of public corporations.

Passed in the National Assembly on the twenty-fourth day of July, 1974.

M. MWINDADI,
Acting Clerk of the National Assembly

GOVERNMENT NOTICE NO. 179 Published on 11/11/83
THE CORPORATION SOLE(ESTABLISHMENT) ACT, 1974
(No.23 of 1974)

REGULATIONS

Made under section 7

THE CORPORATION SOLE (PRISON DEPARTMENT) REGULATIONS 1983

- | | |
|------------------|---|
| Short title | 1. These Regulations may be cited as the Corporation sole(Prison Department) Regulations, 1983. |
| Application | 2. These Regulations shall apply to be corporation sole established in relation to Prison Department of the Ministry of Home Affairs. |
| Interpretation | 3. In these Regulations unless the context otherwise requires;
“the Act means the Corporation Sole(Establishment) Act, 1974
“Corporation” means the Corporation Sole to which these Regulation applies;
“Minister” means the Minister for the time being responsible to Home Affairs;
“Principal Secretary” means the Principal Secretary to the Minister responsible for Prisons.
“Specified Officer” means the Principal Commissioner of Prisons and any other Officer, holding or acting in the office which has been designated the Corporation Sole. |
| Bank
Accounts | 4 - (1) The specified Officer in relation to the corporation shall cause a bank account to be opened in the name of the Corporation and may with the approval of the Principal Secretary cause to be opened one or additional accounts at such bank or banks as the Principal Secretary may approve.
(2) the specified Officer shall ensure that are provided and kept books of accounts and records with respect of each bank account of the corporation.
(3) All monies which in any manner whatsoever are payable to the corporation in its capacity as such and are received by the corporation shall be paid into a bank account of the corporation.
Every bank account of the corporation shall be operated by the specified Officer or by such other public officers as may be authorized |

in that behalf in writing by the specified Officer and approved in like manner by the Principal Secretary.

5-(1) For the purpose of this regulation "petty payment" means payments by withdrawals from cash of amounts not exceeding three hundred each

the
bank any
payments by
the corporation

(2) the specified Officer, may from time to time cause to be with

drawn from the bank such amounts as are necessary to enable him to make petty not exceeding three thousand shilling in the aggregate on any one day.

(3) All payments from the funds of the Corporation other than petty payments and in respect of wages of employees of the corporation shall be made by cheque and not otherwise.

(4) The specified Officer shall cause to be:-

(a) Obtain and keep a receipt or other record in respect of every payment made by the Corporation; and

(b) maintain in triplicate a record of and disbursements made by the Corporation and shall within the first fifteen days of every month submit to the Principal Secretary and the Treasury Registrar a copy of the record of disbursements made by it during the preceding month.

6. The specified Officer shall within two months before the commencement of any financial year, cause to be prepared and submitted to the Minister and the Treasury Registrar for approval, a detailed Annual Budget showing the amount

submission
of budgets
for approval

(a) expected to be received or earned within that financial year and

(b) expected to be disbursed or expended within that year;

(c) expected to be accrued as surplus or profit from the operations of the Corporation in that financial year;

7 (1) The specified Officer shall cause to be provided and kept Proper books of accounts and records with respect to

Accounts
and Audit

(a) the receipt and expenditure of monies by, and other financial transactions of the corporation;

(b) the assets and liabilities of the corporation and shall cause to be made out of every financial year a balance sheet and a statement showing corporation and assets and liabilities all its assets and liabilities.

(2) Not later than six months after the close of every commercial year the accounts, including the balance sheet of the corporation relating to that financial year shall be audited by the Controller and Auditor General.

Annual
report

8. - The specified Officer shall, within six months after the end of each Financial year make a report with a copy of the audited statement of the accounts of the corporation thereon to the Principal Secretary and the Treasury Registrar on the conduct of the corporation's business during that financial year.

Submission 9-(1)As soon as practicable after the Principal Secretary has received the
Of report audited statement of accounts together with auditor's report thereon
to the and the annual report to referred to in regulations 8, he shall submit the same to
minister the Minister.

(2) The Ministry may, on the basis of the reports submitted to him pursuant to paragraph (1) of his regulation and after consultation with the treasury registrar, decide whether or not existing project should be expended or abandoned or new projects should be created.

10 the Principal Secretary may give to the specified other such directions as
Directions in his opinion will ensure compliance with the provision of the Act and of
by the these regulations and, in particular, the proper and efficient
Principal administration of the funds and resources of the corporation shall give
secretary

11 The specified officer may issue direction to project controllers with a
Directions view to ensuring proper management of the projects a long sound
by the commercial lines within the disciplinable chain of command of the
specified Prisons department provided that such directions shall not be in
consistent with the provisions of the Act or of these /Regulations.

Dar es salaam
19th October, 1983

A.D.NTAGAZWA
Deputy Minister for Finance

SCHEDULE

1. Make: Mercedes Benz 280S
Engine No. 110 – 922 – 20—27185.
Year of manufacture: 1976.
2. Make: Volvo 245 GL
Engine No. 0000015398
year of manufacture: 1979

Dar es salaam
25th July, 1983

C.D. MSUYA
Minister for finance

GOVERNMENT NOTICE NO.128 published on 19/8/83

THE CORPORATION SOLE(ESTABLISHMENT)

(No. 23 of 1974)

ORDER

Made under section 3(1)

THE CORPORATION SOLE (PRISONS DEPARTMENT) ORDER, 1983

WHEREAS the Prisons department of the Ministry of Home affairs and industrial projects carried at various prisons:

Has for sometime past been engaged in various agricultural, commercial
AND WHEREAS in the opinion of the President it shall be expedient and desirable in the public interest that there be established a corporation to facilitate the efficient and proper management of the said projects being carried out at prisons specified in First schedule to this Order and any similar project or projects which the said corporation sole may undertake:

NOW, THEREFORE, in exercise of the powers vested in him by section 3(1) of the Corporation Sole (Establishment) Act, 1974 the President does hereby make the following Order:

1. This Order may be cited as the Corporation Sole (prisons Department) Order, 1983 and shall be deemed to have come into operation the 1st day of July, 1983.
2. There is hereby established a corporation sole within the Prison Department of the Ministry for the time being responsible for the Prison service and Administration.
3. The Corporation sole established by this order shall be authorized to carry on the project specified in the first Schedule to this order.
- 4 – (1) The Corporation Sole Orders specified in the Second Schedule to this order are hereby revoked.

(2) All assets and liabilities of any corporation sole established under the revoked orders shall vest in the government, save the assets of the projects which may fall under the corporation sole established by this order which shall vest in the new Corporation Sole.

FIRST SCHEDULE

1. Maintenance, administration and management on commercial basis of the following projects-
 - (a) shoes factory at Karanga Prison – Moshi
 - (b) Dairy farm at Kingolwira Prisons;
 - (c) Maize farm at Songwe Prison;
 - (d) Tailoring Industry at Ukonga Prison,
 - (e) Foundry Unit at Kingolwira Prison; and
 - (f) Ranch Farm at Wami Prison;With the assistance of prisoners in custody in the said Karanga, Kingolwira, Songwe, Ukonga and Wami Prisons.
2. Selling products of the said farms and industrial projects.
3. Do all things and acts which may be necessary or expedient for the proper and efficient performance of the foregoing functions.

SECOND SCHEDULE

G.N. 1975,
Nos.63-81
Respectively
Inclusive

THE Corporation Sole (Officers incharge, Kiabakari Prison, Kitengule Prison, Sumbawanga Prison, Kingolwira Prison, Mugumu Prison, Moshi Prison, Tabora Prison, Arusha Prison, Ukonga Prison, Isupilo Prison, Wami Prison, Idete Prison, Ubena Prison, Kitai Prison and Njombe Prison) Orders, 1975.

BY COMMAND OF THE PRESIDENT

**The State House,
Dar es Salaam,
9th August, 1983**

**T. APIYO,
Principal Secretary**

THE CORPORATION SOLE (ESTABLISHMENT)ACT, 1974

(NO.23 OF 1974)

ORDER

Made under section 3 (1)

THE CORPORATION SOLE(PRISONS DEPARTMENT) AMENDMENT) ORDER, 1986

GN No.179 of 1983 1. This order may be cited as the corporation sole (Prisons department) amendment order, 1986 , shall be read as one with the Corporation Sole Prison department (regulations) order, 1983, and shall be deemed to have come into operation on the first day of July,1986

2. Paragraph 1 of the first schedule to the Corporation Sole (Prisons department) Order, 1983, is hereby amended by adding immediately after the last item the following:

“(g) Woodwork Industries at Uyui Prison – Tabora, Arusha Prison and Ukonga Prison – Dar es salaam.

(h) Soap Industries at Ruanda Prison, mbeya”

(i) Salt Mining works at Lilungu Prison Mtwara”

4. the assets relating to a project transferred or deemed to have been transferred by this order to the corporation sole project shall by virtue of this paragraph and without further assurance vest in the Prisons Corporation Sole.

**The State House
Dar es Salaam,
25th October, 1986**

**ALI HASSAN MWINYI,
President**

S/NO	NO. AND NAME OF PRISONER	CONVICING COURT	OFFENCE	TERM OF IMPRISONMENT
10	818/1999- Petro Jonathan	Primary court Inonelwa Criminal Case No.117/1999	Cattle theft C/S 268	3 Years
11	287/2001- Hemed Hussein	Primary Court Muheza criminal case No. 74/1998	Burglary and stealing C/S 294 (I) and 265	5 Years
12	308/1999 Athuman Hamis	District Court Tabora Criminal case No.140/1999	Burglary and stealing C/S 294 and269	5 Years

**The State House
Dar es Salaam
17th July, 2001**

**BENJAMIN W. MKAPA
President**

THE CORPORATION SOLE (ESTABLISHMENT) ACT, 1974

(NO. 23 OF 1974)

ORDER

Made Under Section 3 (1)

THE CORPORATION SOLE (PRISONS DEPARTMENT)(AMENDMENT) ORDER 2001

1. This Order may be cited as the Corporation Sole (Prisons department) (amendment) Order, 2001 and shall be read as one with the Corporation sole (Prisons Department) Amendment) Order, 1986, and shall be deemed to have come into operation on the 1st day of July, 1997

G.N No
640 of
1986

2. Paragraph 1 of the first Schedule to the Corporation Sole (Prisons Department) (amendment) Order, 1986, is hereby amended by adding immediately after item (i) the following items-

- (j) Kitengule Prisons Mixed Farm Project
- (k) Mugumu Prison Heifer Multiplication Project
- (l) Mollo Prison Mixed Farm Project
- (m) Ludewa Prison Farm Project
- (n) Isupilo Prison Mixed Farm Project
- (o) Kibererge Prison Farm Project
- (p) Idete Prison farm Project
- (q) Kitai Prison Mixed farm Project
- (r) Mkwaya Prison Farm Project
- (s) Bagamoyo Prison Farm Project
- (t) Mang'ola Prison Farm Project
- (u) Arusha Prison Farm Project

3. The assets relating to a project transferred or deemed to have been transferred by this Order to the Corporation sole project shall by virtue of this paragraph and without further assurance vest in the Prison Sole.

**THE STATE HOUSE,
Dar es Salaam,
30th June, 2001**

**BENJAMIN W. MKAPA
President**

GOVERNMENT NOTICE NO. 156 PUBLISHED ON 10/8/2001

THE PUBLIC CORPORATIONS ACT, 1992

No.2 OF 1992)

ORDER

Made under section 22 (f) (b)

THE PUBLIC CORPORATIONS (TRANSFER OF ASSETS OF THE DEFUNCT TANZANIA HOUSING BANK TO THE TANZANIA REVENUE AUTHORITY) AMENDMENT ORDER 2001

1. This order may be cited as the Public Corporation (Transfer of Assets of the Defunct Tanzania Housing Bank to the Tanzania Revenue Authority) Amendment Order 2001

Government Notice no.110 published on 18/8/2006

THE CORPORATION SOLE ACT

(cap.119)

ORDER

(Made under section 6)

THE PRISONS CORPORATION SOLE BOARD (ESTABLISHMENT) ORDER, 2006

1. This Order may be cited as the Prisons Corporation sole Board (Establishment) Order, 2006 Citation
and
commencement
2. In this order unless the context otherwise require
 - “Act” means the Corporation sole act, 1974;
 - “appointing authority” means the Minister,
 - “board” means a Board established, planning, discipline and finance of the prisons Corporation Sole;
 - “Chief executive officer” means the Prisons Corporation Sole;
 - “Corporation Sole” means the Minister for the time being responsible for matters relating to the Tanzania Prisons Service;
 - “Permanent Secretary” means the Permanent Secretary for the tie being responsible for matters relating to the Tanzania Prisons Service;
 - “Principal Commissioner” means the Principal Commission of Prisons, heading the Tanzania Prisons Service;
- 3 – (1) There is hereby established a Corporation Sole Board for Tanzania Prisons Service to b known as the Prisons Corporation Sole Board. Establishment of
Prisons

- (a) the chairman who shall be appointed by the Minister and who is knowledgeable, and experienced in Corporation sole management
 - (b) the Principal Commissioner who shall be the Secretary;
 - (c) a member representing the Ministry of Finance;
 - (d) a member representing the Tanzania Investment Centre (TIC);
 - (e) a member representing the Ministry responsible for Industries and Trade;
 - (f) a member representing the Ministry responsible for Livestock Development;
 - (g) a member representing the Ministry responsible for Agriculture and Cooperatives;
 - (h) a member representing the Ministry responsible for Home Affairs; and
 - (i) four other members at least two of whom, are Senior Prisons Officers, appointment by the Minister upon recommendation of the Principal Commissioner
- (3) The Board is a liberty to have not more than two co-opted members in every sitting provided that they are not entitled to vote.
- (4) The Board may invite any person to its meeting for proper deliberations of proceeding but such a person shall not be entitled to vote.
- (5) The Board on its first sitting shall elect a Vice Chairman who is not an employee of the Tanzania Prisons Service.

the
secretariat

4. The Secretariat of the Board shall be in the office of the Principal Commissioner.

Tenure of
Office

5. A member appointed under subparagraphs (a) or (i) of paragraph 3(2) –
- (a) shall, unless his appointment is sooner terminated by the Minister as the case may be, or he ceases in any other way to be a member, hold office for a period of three years but may be eligible for reappointment;
 - (b) may at any time resign his office by giving notice in writing addressed to
 - (c) the Minister and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.

6.- (1) The Board shall ordinarily meet at any time and place as it deems necessary for the transaction of its business but shall, meet at least once in every six months.

meeting
of the
Board

(2) The Secretary, after consultation with the Chairman or in his absence the Vice-Chairman, may at any time call a special meeting upon a written request by a majority of the members in office.

- (3) The Chairman, or in his absence, the Vice –Chairman shall preside
- (4) at all meetings of the Board.
- (5) In the absence of both the Chairman and the Vice-Chairman, members

- (6) present shall, elect among themselves temporary Chairman
- (7) to preside over the meeting. provide that a temporary Chairman shall not be a staff in the Tanzania Prisons Service.

7. The quorum at any meeting of the Board shall be more than half the members. Quorum

8. At any meeting a decision by the majority of members present shall be upheld and the Chairman shall have a casting vote in addition to his deliberative vote. Decision of the Board

9.-(1) The Board shall, cause to be recorded and kept details of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall, be read and confirmed or amended and confirmed at the next meeting of the Board and signed by the person presiding at the meeting. minutes of meeting

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting.

10. The Validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them. Vacancies etc not to invalid date proceeding

11. The Board may formulate its own regulations for proper conduct of its proceedings. The board may regulate its own proceedings

Functions

of the Board 12. The Board shall have management and supervisory powers to:

- a) review and direct the Chief Executive Officer in respect of the management, development, planning discipline and finance for the Prisons Corporation Sole.
- b) discuss matters related to implementation of the Corporations Sole plans and make recommendations to the Chief Executive Officer as appropriate;
- c) direct the Chief Executive Officer on any matter that may be referred to the Board by the Permanent Secretary or other higher authorities;
- d) advise the Chief Executive Officer on any matter that may be referred to Board by him.

e) initiate project and programs for the general progress of the Corporation Sole and do any other activities within its capacity;

f) Solicit contributions and donations within and outside the country, aimed at facilitating higher efficiency, effectiveness and productivity of the Corporation Sole projects.

g) promote better management and accountability of the Corporation Sole.

Amend
ments

13. The Minister may by notice in the Gazette alter, vary or amend this order

Dar es Salaam,
13th July, 2006

JOHN Z. CHILIGATI
Minister for Home Affairs

THE UNITED REPUBLIC OF TANZANIA

Supplement Na.35

13th September, 2022

SPECIAL SUBSIDIARY LEGISLATION

To The Special Gazette of the United Republic of Tanzania No.35 Vol.103 Dated 123th September, 2022

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GOVERNMENT NOTICE NO.558A PUBLISHED ON 13/9/2022

THE CORPORATION SOLE (ESTABLISHMENT ACT

(CAP 119)

ORDER

(Made under paragraph 13)

THE PRISONS CORPORATION SOLE BOARD (ESTABLISHMENT)(AMENDMENT)

ORDER, 2022

Citation
GN No
110 of 2006

1. The Order May be cited as the Prisons Corporation Sole Board (Establishment) Amendment) Order, 2022 and shall read as one with Prisons Corporation Sole board (Establishment) order, hereinafter Referred to as the "Principal Order".

Amendment of
Paragraph 3

2. The principal Order is amended in paragraph 3 by deleting subparagraph (2) and substituting for it the following:
(2) The Board shall consist of

- (a) the Chairman who shall be appointed by the Minister and who is knowledgeable and experienced in management and administration;
- (b) the Chief Executive Officer appointed by the minister who shall be the Secretary;
- (c) a member representing the Ministry responsible for Home Affairs
- (d) a member representing the Ministry responsible for finance;
- (e) two members representing ministries or institutions responsible for agriculture, livestock, industry, trade and investment;
- (f) five members to be appointed by the Minister who have knowledge and experience in investment, business, trade or administration; and
- (g) one member of rank of senior officer from prisons services appointed by the Minister upon recommendation of the Commissioner General of Prisons".