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THE GOVERNMENT CHEMIST LABORATORY ACT, 2014

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NOTICE

This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam, 15th October, 2014

OMBENI Y. SEFUE, Secretary to the Cabinet

A BILL

for

An Act to provide for legal regulatory regime for the Government Chemist Laboratory Agency to provide for its powers, functions and to provide for matters related thereto.

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Government Chemist Laboratory Act, 2014 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

2. This Act shall apply in Mainland Tanzania.

3. In this Act unless the context requires otherwise:
“Agency” means the Government Chemist Laboratory Agency referred to under section 4;
“analyst” means a person who conducts or directs an analysis of a sample, interprets data and gives results;
"laboratory analytical report” means a laboratory report showing results from an analysis of a sample conducted, referred to as certificate of analysis under this Act;
“Board” means the Ministerial Advisory Board of the Agency referred to under section 10;
“chemical” means any industrial chemical or consumer chemical or any chemical product thereof which is:
(a) substance, in any form, whether by itself or in a mixture or preparation; and
(b) either manufactured or obtained from nature;
“consumer chemical” means any chemical or chemical product used or intended for use in domestic household or in a non-industrial process;
“dealer” means a person engaged in the sale, distribution, use or handling of a chemical in any means;
“data” means information from DNA laboratory analysis to be contained in the DNA Database;
“DNA” has the same meaning ascribed to it under Human DNA Regulation Act;
“examination” means any investigation or inspection made for purpose of diagnosis, usually qualified by the method used;
“forensic” means the technique used to discover information about crime by scientifically examining objects or substances involved in a crime;
“Government analyst” means a person appointed by the Minister to perform duties of a Government analyst
as provided for under this Act;
“industrial chemical” means any chemical or chemical product used or intended for use in an industrial process;
“laboratory” means any laboratory undertaking testing, analysis or examination of food, water, drugs, forensic, microbiology, toxicology, wastewater, DNA, occupational health, environmental, chemical and includes training laboratories;
“Ministry” means the Ministry responsible for health matters;
“Registrar” means the Chief Government Chemist;
“sample” means specimen or an exhibit submitted for laboratory analysis; and
“testing” means any investigation or inspection made for the purpose of diagnosis, usually qualified by the method used.

PART II
THE GOVERNMENT CHEMIST LABORATORY AGENCY

4.- (1) There shall be the Government Chemist Laboratory Agency.

(2) The Agency shall be a body corporate with perpetual succession and shall have a common seal and, in its own name, be capable of-
(a) suing and being sued;
(b) acquiring, holding and alienating movable and immovable property;
(c) borrowing and lending; and
(d) entering into contract or other transaction; and
(e) doing all such other acts which a body corporate may lawfully perform, do or suffer to be done.

(3) Notwithstanding the preceding provisions of this section, the Attorney-General shall have the right to
intervene in any suit or matter instituted for against the Agency.

(4) Where the Attorney-General intervenes in any suit or matter, the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if the suit or matter had been instituted by or against the Government.

(5) For the purpose of subsection (3), the Agency shall have the duty to notify the Attorney-General of any impending suit or matter by, or against the Agency.

5.- (1) The Agency shall-
(a) be a referral laboratory and its analytical results shall be final and conclusive on matters related to laboratory analysis;
(b) conduct research activities and laboratory analysis and advise the Government on matters relating to forensic toxicology, DNA, illicit drugs and forensic chemistry, food, drugs, occupational health, industrial chemicals and products and environmental samples for executing health, legal, social well-being and environmental interventions;
(c) regulate chemical, forensic science and DNA laboratories to ensure compliance with the prescribed standards;
(d) provide, manage and regulate operation of the National DNA Database in accordance with the Human DNA Regulation Act, or any other written laws;
(e) coordinate national chemical management programmes, National Poison Control Centre, forensic science and human DNA services and matters related to functions of the Agency;
(f) regulate and conduct training and outreach programmes on matters related to chemicals management, human DNA services and any other matters regulated by this Act;
(g) develop and provide guidance, instructions, opportunity, coaching and mentor scientists within and beyond functional expertise in functions of the Agency;
(h) collect, identify and analyse scientific evidence pertaining to legal matters; and
(i) perform such other functions as the Minister may assign.

(2) For the purpose of subsection (1), the Agency shall register and de-register-
(a) chemical and forensic science laboratories including DNA Laboratories;
(b) industrial and consumer chemicals and dealers; and
(c) any person involved in conducting training and outreach programmes on matters related to chemicals management, Human DNA services and other functions under this Act;

(3) The Agency may provide consultancy services on any matter stipulated in subsection (1).

6. The Agency shall-
(a) take sample for laboratory testing;
(b) grant or revoke:
   (i) research permits or licence on any matter stipulated in section 6; and
   (ii) registration certificates of chemical, forensic science and DNA Laboratories;
(c) call upon and make analysis on any matter of national or public interest to which forensic science, product quality or chemical management may be required.
PART III
ADMINISTRATION AND INSTITUTIONAL ARRANGEMENT

7.-(1) There shall be a Chief Government Chemist appointed by the Minister on the advice of the Public Service Commission as provided for under the Executive Agencies Act.

(2) The Chief Government Chemist shall possess relevant qualifications and experience in chemical laboratory matters of the Agency.

(3) The Chief Government Chemist shall hold office on such terms and conditions as the Minister may specify in the letter of appointment.

8.-(1) The Chief Government Chemist shall be-
(a) a Registrar of chemicals;
(b) a Regulator of Human DNA services;
(c) a Registrar of chemicals, forensic and DNA laboratories;
(d) responsible for the management and development of the organization, and the discipline of the employees of the Agency;
(e) be the Agency's accounting officer; and
(f) perform any other functions as may assigned by the Board subject to this Act.

(2) The Chief Government Chemist shall, in performing his functions, have and exercise the following powers:
(a) register, suspend or de-register chemical, forensic and Human DNA laboratories;
(b) register or de-register industrial and consumer chemicals or dealers;
(c) make guidelines, rules and orders to facilitate implementation of this Act;
(d) exempt payment of any fees for services rendered by the Agency;
(e) grant or revoke research permits or licence for DNA; and
(f) after due process, condemn and order destruction or disposal of articles, chemicals and chemical products.

(3) The Chief Government Chemist shall in addition, exercise power vested in the Chief Government Chemist under the Industrial and Consumer Chemicals (Management and Control) Act and the Human DNA Regulation Act.

9.- (1) Functions and powers of the Chief Government Chemist may be performed or exercised by an officer employed by the Agency.

(2) The Chief Government Chemist may, in consultation with the Minister, and by order published in the Gazette, delegate to any other person, institution or body of persons some of his functions or powers on such terms, conditions and limitations may be specified in the instrument of delegation.

(3) Delegation made under this section shall not prevent the Chief Government Chemist from exercising such powers conferred upon him by this Act.

10.- (1) There shall be a Ministerial Advisory Board as prescribed under the Executive Agencies Act.

(2) The Board shall consist of not more than seven members appointed by the Minister as follows-

(a) a Chairman;
(b) a representative from the National Institute for Medical Research;
(c) a Director or Assistant Director from the directorate responsible for preventive services in the Ministry;
(d) two representatives from public institution of higher learning or research institutions whose specialty is in either-
   (i) pathology;
   (ii) chemical and mining;
   (iii) chemistry; or
(iv) molecular biology or biotechnology;
(e) a law officer nominated by the Attorney-General; and
(f) an representative from the Commission of Science and Technology; and

(3) The Chief Government Chemist shall be Secretary to the Board.
(4) The procedure of the Board, tenure of office of members, proceedings and other matters relating to the Board shall be as set out in the First Schedule.
(5) The Board may, where it considers necessary, co-opt any person during its meeting provided that such person shall not have a right to vote.

11.- (1) The Board shall-

(a) approve registration of chemicals, forensic and Human DNA laboratories;
(b) advise the Minister on performance of the management on set targets and the carrying out of policy priorities;
(c) approve the Agency’s budgets, annual financial statements and accounts;
(d) approve and advise the Minister on strategic policy matters for implementation by the Agency;
(e) approve fees payable for services rendered by the Agency;
(f) advise the Minister on the appointment of inspectors, sampling officers and the Government Analyst; and
(g) approve registration of chemicals and chemical dealers;

(2) The Board may delegate its functions to the Chief Government Chemist.
12.- (1) The Minister may establish such number of committees which shall be responsible for advising the Chief Government Chemist on matters related to-
   (a) forensic science services;
   (b) poison control; and
   (c) any other matter as the Minister may consider appropriate.

   (2) The composition, appointment, functions and procedures of the committees shall be set out in the Second and Third Schedules to this Act.

   (3) The Director responsible for matters related to forensic science and DNA services shall be the Secretary to the committees established under subsection (1).

13.- (1) The Minister may, in consultation with the Chief Government Chemist and by notice published in the Gazette, appoint officers from the Agency or any other relevant institutions having the necessary qualifications to be government analysts for the purposes of enforcement of this Act.

   (2) The Government Analyst shall perform laboratory analysis of various samples as provided for under this Act.

14.- (1) There shall continue to exist, inspectors as appointed under the Industrial and Consumer Chemicals (Management and Control) Act and Human DNA Regulation Act.

   (2) Notwithstanding the requirements of subsection (1), the Minister may, in consultation with the Chief Government Chemist, appoint inspectors on such terms and conditions as shall be specified in the Regulations.

15.- (1) An inspector shall-
(a) carry out periodic inspection of all designated laboratories;
(b) enter into any laboratory, conveyance, facility or premises where activities related to chemistry, forensic science or DNA analysis are suspected to be carried out to determine whether the provisions of this Act are being complied with;
(c) seize any equipment, chemical or other articles which, in his opinion have been used in the contravention of the provisions of this Act; and
(d) cause arrest of any person who, in his opinion, has committed an offence under this Act.

(2) A person who willfully obstructs, hinders, intimidates or assaults an inspector in the course of performing his duties, commits an offence and shall on conviction be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term of not less than six months, or both.

PART IV
MANAGEMENT OF SAMPLES AND ANALYTICAL RESULTS

16.- (1) A sample shall be managed, retained and disposed of in a manner prescribed in the regulations.

(2) The Agency shall not be liable for any damage to a sample that may occur during and after analysis.

17.- (1) Where a sample for analysis is delivered to the Agency, a laboratory analytical report specifying the result shall be issued to the requesting person.

(2) A sample submitted for analysis shall be deemed to be a fair sample possessing in all respects the same properties as the whole sample from which it was obtained.
(3) A person who uses a certificate of analysis issued under this Act for the purposes of advertisement without a written consent from the Chief Government Chemist, commits an offence and shall, on conviction, be liable to—
   (a) a fine of not less than one million shillings, if an offender is a natural person, or
   (b) a fine of not less than five million shillings, if an offender is a body corporate.

18.- (1) Any document or report made under the hand of any Government analyst, upon any matter or thing duly submitted to him for examination or laboratory analysis, may be used as evidence in any inquiry, trial or other proceedings.

   (2) Subject to subsection (1), in the absence of government analyst, a person acting on his behalf shall sign the report or document.

   (3) When a report is used in any proceedings in a court of law other than an inquiry, the court may, summon and examine the analyst on the veracity of the report.

19. A report issued by the Government analyst shall be admissible without further proof and shall be sufficient evidence of the facts or observations stated in the report therein unless the opposite party requires that the Government analyst who issued it be called as a witness.

PART V
SERVICES OF THE AGENCY
A. Forensic Science Services

20.- (1) There shall be within the Agency, a Laboratory responsible for matters related to forensic science
services and human DNA services.

(2) For the purpose of subsection (1), the Agency shall make analysis on:
    (a) toxicology;
    (b) forensic chemistry and illicit drugs; and
    (c) biology and human DNA,
as may be required by any authority or as provided in the Criminal Procedures Act, Human DNA Regulation Act and other written laws.

(3) Without prejudice to the services rendered under subsection (1), the forensic science laboratory may perform any other analysis of samples of civil nature as needs arise.

(b). Products Quality Services

21. (1) There shall be within the Agency, the laboratory responsible for matters related to product quality services.

(2) For the purpose of subsection (1), the Agency shall perform analysis on-
    (a) testing of food, drugs and respective raw materials;
    (b) microbiological testing; and
    (c) instrumental analysis.

(3) The Agency may render any other service to be performed by the quality product laboratory as the exigency may require.

(c) Chemicals Management Services

22.-(1) There shall be within the Agency the laboratory which shall be responsible for chemicals management services.
(2) For the purpose of subsection (1), the Agency shall make analysis on-

(a) testing of chemicals, chemical products and their raw materials in accordance with the Industrial and Consumer Chemicals (Management and Control) Act;

(b) testing of samples related to occupational health in accordance with Occupational Health and Safety Act and environment pollution in accordance with the Environment Management Act; and

(c) any other services as the need may require.

23. A report on analytical results by the Agency on services rendered in relation to forensic science, products quality and chemical management shall be final and conclusive.

PART VI
REGULATION OF LABORATORIES

(a) Registration

24.- (1) A laboratory shall not offer chemical, forensic science or DNA laboratory services regulated under this Act unless such laboratory is registered under this Act.

(2) A laboratory shall not be registered unless it has staff who possess relevant qualifications and the laboratory premises contain facilities that meet standards prescribed in the regulations.

(3) An application for registration shall be in the manner prescribed in the Fourth Schedule to this Act and accompanied by such fee as prescribed in the regulations.

(4) The Chief Government Chemist shall keep and maintain a register of laboratories in which information and particulars of registered laboratories shall be entered.
(5) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine of not less than five million shillings or to imprisonment for a term not exceeding three years or to both.

25.- (1) A registered chemical, forensic or DNA laboratory shall be issued with a certificate.

(2) The procedures for registration and certification of laboratories shall be as prescribed in the regulations.

26.- (1) The Registrar may, upon approval by the Board, cancel registration of any chemical, forensic and DNA laboratory if-

(a) the certificate was procured in violation of any of the provisions of this Act; and

(b) the operations of the laboratory breaches any of the conditions attached to the registration.

(2) The Registrar shall, before cancelling registration of laboratories under this section afford the owner of such laboratory an opportunity to be heard.

(3) A cancellation under this section shall be published in the Gazette.

27.- (1) A person who is aggrieved by the decision of the Registrar may, within three months from the date of notification of the decision, appeal to the Minister.

(2) The Minister may dismiss or allow any appeal, alter or vary the decision of the Registrar and make any order as he deems fit.

(3) The Minister shall, within one month after determination of the appeal, supply a copy of such determination to the concerned person.

(4) A person aggrieved by the decision of the
Minister may, within three months, refer the matter to the High Court.

28.- (1) An owner of a laboratory who intends to close his laboratory shall notify the Registrar three months before closure.

(2) A person who fails to notify the Registrar commits an offence and shall be liable to imprisonment of a term of not less than six months or to a fine of not less than two million shillings, or both.

(a) Inspection

29. Every chemical, forensic and DNA laboratory shall be inspected by the Registrar in a manner prescribed in the Regulations.

(b) Record Keeping and Reporting

30. An owner or operator of a registered laboratory shall keep records of services offered, recommendation from the previous inspection and mitigation measures, if any.

31. An owner or operator of a registered laboratory shall submit a report to the Registrar biannually in the manner to be prescribed in the regulations.

PART VII
NATIONAL HUMAN DNA DATABASE

32.- (1) There shall be within the Agency, a National Human DNA Database, which shall serve as the central depository for Human DNA records.
(2) There shall be designated Human DNA laboratories as provided for under the Human DNA Regulation Act.

(3) Every designated Human DNA laboratories shall submit data to the Agency.

(4) The data to be submitted to the Agency shall contain such information as prescribed in the Fifth Schedule to this Act.

(5) The Minister may, in consultations with the Chief Government Chemist, review or vary the list of information to be contained in the database.

33.- (1) The Technical Committee established pursuant to the Human DNA Regulation Act shall be responsible for advising the Chief Government Chemist on matters related to management of the National Human DNA Database.

34.- (1) Information contained in the Human DNA Database may be accessible by-
   (a) any person that the Chief Government Chemist may authorize; and
   (b) Government institutions, agencies and departments.

   (2) A person who disseminates or publishes information contained in the database without written authorization by the Chief Government Chemist commits an offence and shall, be liable to a fine of not less than ten million shillings or imprisonment of a term not less than five years or both.
PART VIII
THE NATIONAL POISONS CONTROL CENTRE

35.- (1) The Agency shall coordinate and manage poisons control centers and hazardous chemicals found in various products country wide.

(2) Without prejudice to subsection (1), the National Poisons Control Centre shall perform the following functions-

(a) disseminate information to the public on poisoning;
(b) conduct laboratory analysis of poison;
(c) conduct diagnosis and treatment of poisoning incidences;
(d) conduct training and research on matters related to poisoning;
(e) keep records of poison cases and incidences and scientific information regarding poisons.

36.- (1) The Government Chemist Laboratory Agency shall designate health facilities and other institutions to serve as sub-centres which shall provide information on poisoning incidences.

(2) Every designated sub-centres shall submit information on poisoning incidences to the Government Chemist.

(3) The procedures and operations of sub-centres shall be as prescribed in the regulations.
PART IX
FINANCIAL PROVISIONS

37.—(1) Sources of funds for the Agency shall include-
(a) monies as may be appropriated by Parliament;
(b) any funds or assets which may be vested in or accrued from other sources;
(c) fees imposed and other charges collected from services rendered;
(d) gifts, grants and donations;
(e) proceeds derived from sale of assets and any other source of income identified by the Agency; and
(f) any other money borrowed, received by or made available to the Agency for the purpose of its functions.

(2) The fees and charges shall be prescribed in the Regulations.

38.—(1) In this Act "financial year" means the financial year of the Government.

(2) The Chief Government Chemist shall, at the end of each financial year, prepare an annual implementation report on the activities of the financial year and submit the report to the Minister, after approval by the Board.

(3) The Chief Government Chemist shall ensure that the annual financial statements are prepared and audited within three months after the end of financial year.

(4) The financial statements shall include-
(a) statement of financial performance;
(b) statement of financial position;
(c) statement of cash flows;
(d) statement of changes of equity; and
(e) notes to the financial statements.

39-(1) The Chief Government Chemist shall submit to the Minister an audited financial report together with the auditor’s report on those accounts three months after the end of each financial year.

(2) Chief Government Chemist shall prepare and submit to the Board an estimate of the revenue and expenditure for the Agency three months before the end of the preceding year.

(3) No expenditure shall be made unless authorized by Chief Government Chemist within the estimate of that financial year.

40.- (1) The Agency shall keep books of accounts and maintain proper records of its operations in accordance with national accounting standards.

(2) The Agency shall cause to be prepared and kept proper books of accounts and record with respect to-
(a) the assets and liabilities;
(b) the receipt and expenditure of monies and other financial transactions; and
(c) a statement of financial position and a statement showing details of the financial performance to be prepared in every financial year.

(3) The funds and resources of the Agency shall be used for the better carrying out the objective of this Act.

(4) The Agency expenditure shall be subject to monitoring and review.
41.- (1) Not less than one month before the beginning of any financial year, the Board shall, approve the annual budget of the amount expected to be received and disbursed during that financial year.

(2) Where, in any financial year, the Agency requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Board shall approve a supplementary budget detailing the disbursement.

(3) The annual budget and every supplementary budget shall be in the form and include the details which the Minister may direct.

42.- (1) The Agency shall-

(a) open and operate all sets of books of accounts, ledgers, journal, and other subsidiary books of accounts, in accordance with its accounting manual; and

(b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue account and payments shall be made from the expenditure account.

(3) No expenditure shall be incurred from the funds of the Agency unless that expenditure is part of the expenditure plans approved by the Board.

43. Subject to the approval of the Board in consultation with the ministry responsible for finance, the Agency may invest any monies in such a manner as it deems fit.
PART X
GENERAL PROVISIONS

44. The Minister, may make regulations in relation to-

(a) sampling, and submission of forensic samples;
(b) standards of chemical, forensic science and DNA laboratories premises, facility and qualifications of staff;
(c) procedures for registration and certification of chemicals, forensic science and DNA laboratories;
(d) the types and procedures for chemical, forensic science and DNA laboratories inspection;
(e) the reporting format of information for chemical, forensic science and DNA laboratories;
(f) designation, operations and procedures of poison sub-centres;
(g) penalties for compounding offences;
(h) retention of records generated from the Agency’s functions;
(i) DNA analysis and DNA database; and
(j) any other matter for the better carrying out of the provisions of this Act.

45. Nothing that was done by the Chief Government Chemist, any member of the Board, member of the committee, employee or any other person authorized to perform any function under this Act shall, if done in good faith in the execution or purported execution of the functions under this Act, render the member or officer personally liable for that matter or things done.

46. All properties, rights, obligations, liabilities and assets owned by the Government Chemist Laboratory Agency by virtue of the provisions of the Executive
Agencies Act, shall, on coming into operation of this Act, continue to be under Agency.

47. An employee or appointee of the Government Chemist Laboratory Agency established under the Executive Agency Act, shall on the coming into operation of this Act, so far as may be practicable continue to be an employee of the Agency in a post comparable to that which the employee held before coming into operation of this Act.

48. Members of the Board shall be entitled to such remuneration or allowances for expenses as the Minister may, upon the recommendation of the Chief Government Chemist prescribe from time to time.

49. The Chief Government Chemist shall be responsible for the safety and welfare of staff in the workplace in furtherance of the Agency.

50. Every employee shall be required to disclose existing or potential interest that in relation to the functions of the Agency.

51.- (1) Every employee or authorized agent of the Agency shall, at all times while dealing with any document, sample or its analytical results, maintain confidentiality.

(2) The Chief Government Chemist, members of the Board Technical Committee, employee of the Agency and authorized agent, shall treat as confidential the source of any information which comes to their knowledge in the course of the performance of their duties.

(3) The provisions of this section shall remain in force in respect of all persons involved in forensic science analysis and issuance of laboratory analytical results for
their entire life whether or not such persons have ceased to be engaged or employed in the furtherance of the administration of the provisions of this Act.

(4) Notwithstanding the provisions of this Act, the Chief Government Chemist may publish or cause to be published any information furnished to the Agency or the contents of any record of returns made available to the Agency in the form of a summary which does not enable identification of the source of the information, record or returns.

(5) Any person who is or has been engaged in the administration of this Act and discloses any information acquired contrary to the provision of this section in the exercise or purported exercise of his functions under this Act to any other person commits an offence and shall, on conviction, be liable to imprisonment for a term not less than five years or to a fine for not less than five million shillings or to both.

52. The Minister may, subject to the provisions of this Act, give directives to facilitate performance of the Agency and implementation of the provisions this Act.

53.-(1) Where an offence is committed by a body corporate or partnership, every director, chief executive officer or officer of the body corporate or partner or officer of the partnership who had knowledge or should have had knowledge of the commission of the offence shall be guilty of the offence.

(2) A person shall be personally liable for an offence under this Act, whether committed by him on his own account or as an agent or servant of the person.
54.- (1) The Agency may, where it is satisfied that a person has committed an offence under this Act, compound the offence by accepting from such person a sum of money not exceeding five million shillings.

(2) The powers conferred under this section shall be exercised when a person admits that he has committed the offence under this Act.

(3) Any sum of money received under this section shall be dealt with as if the sum of money were a fine imposed by the court of law for the offence.

55. A person who commits an offence under this Act, for which a penalty is not specifically provided, shall be liable, on conviction to a fine of-

(a) not less than one million shillings for a natural person or to imprisonment of not less than six months or to both; and

(b) not less than five million for a body cooperate.

SCHEDULES
Tenure of office

1.- (1) The Chairman and members of the Board shall, unless his appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term.

(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the Board.

(3) A member of the Board shall cease to be a member if-
   (a) dies or resigns for any reasons;
   (b) he fails without good cause to attend three consecutive meetings of the Board;
   (c) he is convicted of a criminal offence for a term of or beyond six months; or
   (d) he becomes mentally ill.

(4) Where an office of a member follows vacant for any of the reasons under subsection (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.

(5) Where a member, who was appointed by virtue of his holding some other office, is unable for any reason to attend any meeting of the Board, he may nominate another person from his organization to attend the meeting in his place.

Meetings

2.- (1) The Board shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.

(2) Notwithstanding subsection (1), the Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.

(3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst the member present to act as a chairman for that meeting and the member who is so elected shall be responsible for reporting the findings of such meeting to the Chairman.
(4) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed at the next meeting of the Board and signed by the Chairman and Secretary at the meeting.

Quorum

3.- (1) The quorum at any meeting of the Board shall be two thirds of the members in office.
(2) Matters proposed at a meeting of the Board shall be decided by a majority of the votes of the members present.
(3) The validity of any act or proceedings of a properly constituted Board meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.

Directives of the Board

4. All orders, directives, notices of the Board shall be signed by:
   (a) the Chairman; or
   (b) the Secretary or any other officer authorized in writing in that behalf by the Secretary.

Proceedings

5. Subject to this Schedule, the Board shall have power to regulate its own proceedings.

Proof of the document

6. Any document purporting to be signed by the Chairman, the Chief Government Chemist or any person acting on his behalf as to resolution of the Board or as having been issued on behalf of the Board, shall be receivable in courts of law or tribunals or other bodies authorized to receive evidence, and shall unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained in the document.

Subcommittees

7. The Board may establish subcommittees and appoint members of such subcommittees, persons who are or are not members of the Board for the purpose of the advising the Board.
SECOND SCHEDULE

(Made under section 12)

APPOINTMENT COMPOSITION, TENURE AND PROCEDURES OF THE FORENSIC SCIENCE TECHNICAL COMMITTEE

1. The Minister shall appoint members of the Forensic Science Technical Committee.

2.- (1) The Forensic Technical Committee shall consist of:
   (a) a Chairman;
   (b) a representative from Office of the Director of Criminal Investigations;
   (c) a representative from Biochemistry Department of any recognized university in the country;
   (d) forensic Pathologist from public institution;
   (e) a representative from Drugs Control Commission;
   (f) a Law Officer nominated by the Attorney-Generals;
   (g) a representative from the Wildlife department from the responsible Ministry.

   (2) When dealing with a specific matter for which extra expertise is required, the committee may co-opt persons who have the relevant expertise; such co-opted persons shall have no right to vote and shall cease to be members when the matter is determined.

3. The functions of the committee shall be to advise the Chief Government Chemist on matters related to forensic science services.

4.- (1) The Chairman and members of the committee shall, unless his appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term.

   (2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the committee.

   (3) A member of the committee shall cease to be a member if-

   (a) dies or resigns for any reasons;
   (b) he fails without good cause to attend three consecutive meetings of the committee;

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(c) he is convicted of a criminal offence for a term of or beyond six months; or
(d) he becomes mentally ill.
(4) Where an office of a member is vacant for any reasons the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.
(5) Where a member, who was appointed by virtue of his holding some other office is unable for any reason to attend any meeting of the committee, he may nominate another person from his organization to attend the meeting in his place.

Meetings

5. (1) The committee shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.
   (2) The Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.
   (3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst themselves to act as a chairman for that meeting.
   (4) The committee shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the committee shall be read and confirmed at the next meeting of the committee and signed by the Chairman and Secretary at the meeting.

Quorum

6. (1) The quorum at any meeting of the committee shall be two thirds of the members in office.
   (2) Matters proposed at a meeting of the committee shall be decided by a majority of the votes of the members present.
   (3) The validity of any act or proceedings of a properly constituted committee meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.

Directives of the Council

7. All orders, directives, notices of the Committee shall be signed by:
   (a) the Chairman; or
   (b) the Secretary or any other officer authorized in writing in that behalf by the Secretary.

Proceedings

8. Subject to this Schedule, the Committee shall regulate its own proceedings.
THIRD SCHEDULE

(Made under section 12)

COMPOSITION, APPOINTMENT, FUNCTIONS AND PROCEDURES
OF THE POISON CONTROL TECHNICAL COMMITTEE

1. The Minister shall appoint members of the Poison Control Technical Committee.
   (1) The Poison Control Technical Committee shall consist of:
       (a) a Chairperson;
       (b) a representative from Ministry of Agriculture;
       (c) a representative from Ministry of Home Affairs;
       (d) a representative from Quality Control and Improvement Unit, Muhimbili National Hospital;
       (e) a representative from National Institute of Medical Research;
       (f) a representative from Preventive Department, Ministry of Health and Social Welfare; and
       (g) a representative from Tropical Pesticides Research Institute (TPRI).
   (2) When dealing with a specific matter for which extra expertise is required, the Committee may co-opt persons who have the relevant expertise; such co-opted persons shall have no right to vote and shall cease to be members when the matter is determined.

3. The Poisons Control Technical Committee shall-
   (a) advise the Chief Government Chemist on technical and administrative matters related to poison control;
   (b) oversee the overall management and performance of the poison control center;
   (c) advice and facilitate national, regional and international collaboration among poison control centers;
   (d) approve the National strategic plan for prevention and control of poison;
   (e) approve list, categorization and characterization of poisons in Tanzania;
   (f) approve policies, strategies and procedures for poison control centers;
(g) approve the annual strategic plan and budget of the poison center;

(h) development and adoption of data collection, analysis, reporting and dissemination of toxicological vigilance; and

(i) approve National Standards on diagnosis, prognosis, treatment and prevention of poisoning as well as toxicological analysis of poison.

Tenure of office

4.- (1) The Chairman and members of the committee shall, unless his appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for one more term.

(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the committee.

(3) A member of the committee shall cease to be a member if-

(a) dies or resigns for any reasons;

(b) he fails without good cause to attend three consecutive meetings of the committee;

(c) he is convicted of a criminal offence for a term of or beyond six months; or

(d) he becomes mentally ill.

(4) Where an office of a member is vacant for any reasons under subsection (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.

(5) Where a member, who was appointed by virtue of his holding some other office, is unable for any reason to attend any meeting of the committee, he may nominate another person from his organization to attend the meeting in his place.

Meetings

5.- (1) The committee shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.

(2) Notwithstanding subsection (1), the Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.

(3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst themselves to act as a chairman for that meeting.

(4) The committee shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed at the next meeting of the Committee and signed by the Chairman and Secretary at the meeting.
(1) The quorum at any meeting of the Committee shall be two thirds of the members in office.

(2) Matters proposed at a meeting of the Committee shall be decided by a majority of the votes of the members present.

(3) The validity of any act or proceedings of a properly constituted Committee meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.

7. Subject to this Schedule, the Committee shall regulate its own proceedings.
**Government Chemist Laboratory**

**FOURTH SCHEDULE**

**GOVERNMENT CHEMIST LABORATORY AGENCY**

**P.O. BOX 164 DAR ES SALAAM**

**APPLICATION FORM FOR REGISTRATION OF LABORATORY**

*(Made under section 26)*

1. **Particulars of the applicant:**
   1.1 Name: ………………………………………………………………
   1.2 Address: ……………………………………………………………
   1.3 Telephone: ………………………………………………………....
   1.4 Fax: …………………………………………………………………
   1.5 E-mail: ………………………………………………………………
   1.6 Certificate Incorporation No: ………………………………………
   1.7 Business License: …………………………………………………

2. **Physical Address:**
   2.1 Plot No: ………………………………………………………………
   2.2 Street No: ……………………………………………………………
   2.3 District: ………………………………………………………………
   2.4 Region: ………………………………………………………………

3. **Proprietor of the Laboratory (if different from I above)**
   3.1 Name: ………………………………………………………………
   3.2 Address: ……………………………………………………………
   3.3 Telephone: …………………………………………………………
   3.4 Fax: …………………………………………………………………
   3.5 E-mail: ………………………………………………………………

4. **Requirements for Registration**
   4.1 Technical Staff with required qualification ………………………
      (Attach CVs and copies of certification)
   1.2 Nature of laboratory activities (chemical, forensic or DNA tick as appropriate)
   4.3 Please attach the following documents:
      (a) Laboratory Safety Plans
      (b) Emergency Response Procedures

I …………………………………………………………………………… hereby declare that the above statements are true and correct to the best of my knowledge.

Signature: ………………………………………………………… Date: …………………………………

Official Use only:

A. No.: ……………Name: ……………Sign: ……………Date: …………………

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FIFTH SCHEDULE

INFORMATION TO BE CONTAINED IN THE HUMAN DNA DATA BASE

(Made under section 36)

The information in the Database shall contain not limited to:

1. Crime Scene index.
2. New Born.
3. Civil index.
4. Convicted offender index.
5. Remandees
7. Sexual offender.
8. Disaster victims index.
10. Information on national identification.
OBJECTS AND REASONS

This Bill proposes for the enactment of the Government Chemist Laboratory Act. The Bill intends to complement to the Government efforts in improving the wellbeing of its people and the environment. This initiative came into being as a result of emerging issues that hinders smooth operations of Government Chemist Laboratory Agency (GCLA) to realize its objectives and to attain its vision.

GCLA has been conducting its duties and responsibilities from the mandates given in other legislation in Tanzania. Thus, the establishment of Government Chemist Laboratory legislation will set out a legal framework of all functions of the Agency to the Government, Institutions and public at large. This will reduce contradictions and confusion caused to clients and public in understanding the powers and functions of the Agency.

The proposed Government Chemist Laboratory Act, focuses on establishment of Government Chemist Laboratory Agency, set out functions and powers of the Agency regulate chemical laboratories, forensic science laboratories and DNA laboratories in the country.

The provided Bill is divided into ten main parts.

Part I provides for preliminary matters that include citation of the Act, date of commencement and interpretation.

Part II provides for establishments, functions and powers of GCLA.

Part III provides for Administration and Institutional arrangement. In this part the appointment, functions and powers of Chief Government Chemist (CGC) are provided. Furthermore, this part provides for provisions on establishment of the Ministerial Advisory Board and its functions. It also provided for establishment of Technical Committees for the purpose of advising the CGC on matters related to forensic science services and poison control. The part also outlines procedures for
appointment of Government Analyst (in conjunction with Cap 20) and inspectors including their functions.

Part IV of the Bill contains provisions on the management of samples, analytical results and its legal consequences on any person who uses certificate of analysis issued under this Act for the purposes of advertisement without written consent of the Chief Government Chemist. This part further outline provisions on laboratory report and its effect, report issuance procedures and admissibility of such report.

Part V provides provisions for establishment of laboratories and services rendered by the Agency to other Government institutions and the public including forensic science services (toxicology, forensic chemistry and DNA), product quality services (microbiology, food and drug and instrumental analysis laboratory) and chemicals management services (environmental laboratory, occupational health samples, chemicals and chemicals products).

Part VI provides provision for regulation of chemical, forensic and DNA Laboratories in Tanzania. This part provides further provisions on registration of laboratories, its requirements and issuance of certificates. Moreover, the provision on notification of closure or change of ownership and cancelation of registration are also provided. It further provides provisions on inspection of laboratory, record keeping and reporting.

Part VII provides provisions on establishment of the National Human DNA Database and Gene Bank for genetic information. This part also provides provisions for Technical committee which will be responsible for advising the Chief Government Chemist on matters related to management of the National Human DNA Database. This part also provides provisions on access to information contained in the Human DNA Database and authority on those information contained in the database by the Chief Government Chemist. Moreover, this part provides provisions for offence to any person who disseminates or publishes information contained in the Database without written authorization from Chief Government Chemist.

Part VIII of the Bill provides provisions on National Poison Control Centre and its functions. It also contains provisions regarding information
Government Chemist Laboratory

to the public on poisoning, laboratory analysis of poison, diagnosis and treatment of poisoning incidences as well as to keep records of poisoning cases. This part also provides provisions for designation of sub-centres by the CGC which shall submit information on poisoning incidences.

Part IX of the Bill deals with financial management and it provides for sources of funds, annual reports and accounts, management and control of funds, annual and supplementary budgets, operation principles and powers to invest.

Part X of the Bill contains provisions for miscellaneous, including provisions for power of the Minister to make regulations for better implementation of this Act. This part also provides provisions for protection of members of the Board and officers of the Agency, ownership of assets and liabilities, transfer of staff and their rights, remuneration of member of the Board, welfare and safety of staff, conflict of interest, confidentiality and power of the Minister to give directives. This part of the bill also provides provisions for appeal against decision of the Agency, liability of body corporate partnerships, agents, principles and employers, powers of the Chief Government Chemist to compound offences and general penalty.

Dar es Salaam, 10th October, 2014

SEIF S. RASHID, Minister for Health and Social Welfare