

**THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES)  
ACT, 1982**

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## THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 1982

I ASSENT,

*Julius K. Nyerere*  
 .....  
 President

28<sup>TH</sup> JUNE, 1982

.....  
**An Act to make better provisions for, and to consolidate laws relating to, local government, to repeal the Local Government Ordinance, to repeal certain other written laws and to provide for other matters connected with or incidental to the organization of local government in Mainland Tanzania**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

**PART I**

## PRELIMINARY PROVISIONS

1.-(1) This Act may be cited as the Local Government (District Authorities) Act, 1982.

Short title  
and com-  
mencement

(2) This act shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint, subject to subsection (3)

(3) The Minister may appoint different dates for the coming into operation of any of the Parts of this act, or for its coming into operation in relation to any area or areas in Mainland Tanzania, and for that purpose, the Minister may make more than one notice in pursuance of subsection (2).

- Application      **2.** This Act shall apply to every district authority established under this Act.
- Interpretation    **3.-(1)** In this Act, unless the context requires otherwise-
- "appropriate authority" when used in relation to any act, appointment, dismissal, licence, permit, matter or other thing means the person, committee or other body of persons permitted, required or in any other way made responsible by this Act for doing the act, making the appointment or issuing the dismissal, licence or permit or doing that matter or other thing;
- "area" when used in relation to any local government authority, means the area in which the local government is established, or empowered by or under this Act to exercise jurisdiction in accordance with this Act;
- "Area Commissioner"-
- (a) when used in relation to a district, means the Area Commissioner for the district concerned;
- (b) when used in relation to a local government authority, means the Area Commissioner for the district in which that local government authority is established.
- "the Assembly" means the National Assembly of the United Republic established by the Constitution;
- "the auditor" means, in relation to a district council and an urban authority the Controller and Auditor General, and in relation to any other district authority, the person appointed by a proper officer, with the prior approval of the Minister, to audit the accounts of that district authority in accordance with Head C of Part IV of the Local Government Finances, Act, 1982, and includes a person duly authorized in that behalf by the auditor for the purpose of that Part of that Act;
- "this Act" includes any subsidiary legislation made and in force under this Act;
- "authority" and "local authority" both mean a local government authority and when used in relation to a township, means the township authority for that township;
- "Chairman" -
- (a) when used in relation to a district authority means the Chairman of that authority;
- (b) when used in relation to any committee or other body of persons, means the Chairman of that committee or that other body of persons,
- and includes the Vice-Chairman of the district authority, the committee or of the other body of persons, or any other person acting in the absence of the Chairman and the Vice-Chairman, when he exercises the functions or discharges the duties of the Chairman pursuant to this Act;

"committee" –

- (a) when used in relation to a district authority, means a committee established or appointed by that district authority under this Act;
- (b) when used in relation to a sub-committee, means a sub-committee appointed by a committee;
- (c) when used in relation to any other committee, means that other committee;

"the Constitution" means the Constitution of the United Republic of Tanzania, 1977, as amended from time to time;

"the Council"-

- (a) when used in relation to a district, means the district council for the district;
- (b) when used in relation to any village, means the village council for that village;

"court" means any court of Mainland Tanzania of competent jurisdiction;

"the Decentralization Act" means the Decentralization of Government Administration (Interim Provisions) Act, 1972;

"the Director" means in relation to any district council the District Executive Director appointed for that district council under section 22 of the Local Government Service Act, 1982;

Acts 1982  
No 10

"district" means any part of Mainland Tanzania proclaimed or deemed to be proclaimed by the President to be a district pursuant to powers conferred on him by the Constitution;

"district authority" means a district council, a township authority or a village council;

"district council" means a district council established under section 5;

"District Development Council" means a council established under the Decentralization Act;

"elected member" means a member of a local government authority elected to membership of that authority at an open election held for the purposes and in which all inhabitants of the area who are qualified to vote, are allowed to participate and shall, where he is a member of the local government authority, include the Member of Parliament for each parliamentary constituency within the area of that authority;

"functions" includes powers and duties;

joint committee" means a committee appointed jointly by two or more local government authorities pursuant to section 80;

"local government authority" means a district authority or an urban authority;

"Minister" means the Minister for the time being responsible for local government;

- Acts 1978  
No. 25
- "national school" and regional school" shall each have the meaning assigned to it by section 2 (1) of the National Education Act, 1978;
- "the Party" means Chama cha Mapinduzi and, in appropriate context, refers to an appropriate committee or other person or body of persons authorized under the constitution of Chama cha Mapinduzi to perform the function relevant to the context in question for the purposes of this Act;
- "proper officer" when used in relation to a district authority, means the Regional Commissioner for the region in which that authority is established;
- it region" means any part proclaimed or deemed to be proclaimed by the President to be a region pursuant to powers conferred on him by the Constitution;
- "Regional Commissioner"-
- (a) when used in relation to a region, means the Regional Commissioner for the region concerned;
  - (b) when used in relation to a district authority, means the Regional Commissioner for the region in which that district authority is established;
- "the Regional Committee" in relation to any village or local government authority, means the Regional Executive Committee of the Party for the region within which the village is situated or the local government authority is established;
- "Registrar" means the Registrar of Villages appointed under section 23;
- "the Scheme" means the Local Government Service Scheme, as for the time being in force, formulated pursuant to the Local Government Service Act, 1982;
- "the Service" means the unified service, otherwise known as the Local Government Service, of authorities to which the Scheme applies, the establishment of which is provided for by the Scheme;
- " township" means the area of jurisdiction of a township authority;
- "township authority" means a township authority established under section 13;
- "ujamaa village" means a village designated under this Act as an ujamaa village;
- "urban authority" means a city council, a municipal council or a town council;
- "village" means a village registered as such under this Act;
- "village assembly" means, in relation to a village, the village assembly of that village and in relation to an ujamaa village, the village assembly of the ujamaa village;
- "village council" means, in relation to a village, the village council of that village and in relation to an ujamaa village, the village council of the ujamaa village.

"Ward Development Committee" means the committee established by section 31.

(2) Where a township or a village is situated partly within one district and partly within another, the Minister shall determine which Area Commissioner, Regional Commissioner and Regional Committee shall have jurisdiction over the township or the village.

(3) Where it is provided in this Act that any power may be exercised subject to the provisions of this Act, the provisions shall be read and construed as providing, in relation to any authority, that the power may be exercised subject to those provisions of this Act which apply to that authority.

4.-(1) It shall be the duty of the Minister, subject to this Act; to work towards-

- (a) the Promotion of local government in Mainland Tanzania;
- (b) the evolution, progressive development and perpetuation of local government institutions geared and devoted to the pursuance of the meaningful involvement of and participation by the people in the making of decisions on matters affecting or connected with their livelihood and well-being at all local levels;
- (c) securing the effective execution by local authorities, of the national policy on local government,

Minister to work for development of meaningful democratic local government

(2) In discharging the duty imposed on him by this section, the Minister shall be guided, subject to this Act, by the need to evolve, and to foster, sound principles of democracy enshrined in the Constitution and elaborated upon by or in the written and unwritten laws of the United Republic.

(3) The Minister shall endeavor to ensure that there is available an adequate supply of personnel trained, skilled or qualified for work in the various sectors or aspects of local government so as to secure the growth and development of an effective and efficient system of local government.

## PART II

### LOCAL GOVERNMENT AREAS, ESTABLISHMENT, REGISTRATION AND VARIATION OF AREAS OF LOCAL GOVERNMENT AUTHORITIES

#### *Establishment of District Councils*

5.-(1) Subject to section 7, and to the other provisions of this Part the Minister may, after consultation with the President, by order published in the *Gazette*, establish such district councils as he may deem necessary for the purpose of local government.

Power of Minister to establish District councils

(2) In the discharge of the duty imposed by subsection (1) the Minister may, subject to this Act, establish such number of district councils in such areas as he may deem necessary, expedient or desirable for the purpose of establishing, promoting, developing and maintaining an effective and efficient system of local government.

(3) Nothing in this section shall be construed as requiring the Minister to establish a district council in every area in which there was established a District Development Council immediately before the commencement of this Act.

(4) The area of jurisdiction of a district council shall be such area or place as shall be specified in the order made under subsection (1).

(5) With effect from the date of the coming into operation of an order made under subsection (1), the District Development Council previously established in the area over which the district council is established by the order shall stand dissolved and shall not, at any subsequent time or period exercise any function in relation to that area under the Decentralization Act or any other written law

Contents of  
establishment  
order

6. Every order made under section 5 shall-

- (a) specify the name or names of the district council or councils being established and the date or dates on which it or they shall be established;
- (b) define the area in which the district council shall be established and over which it shall exercise jurisdiction;
- (c) prescribe the device and official seal of the district council;

and may, in any appropriate case, include any ancillary matters and the effect on existing district councils of the establishment of the new district council or councils.

Procedure for  
establishment  
of district  
council

7.(1) No district council shall be established except in accordance with the procedure prescribed by this section.

(2) Where it is intended to establish a district council in respect of any area or areas, the Minister shall, at least two months before making an establishment order under section 5, by notice published in the *Gazette*, and in any national newspaper or, as the case may be, any newspaper circulating in the area or areas in which it is intended to establish the district council, give notice of the intention, indicating the general direction of the boundaries, and such other matters as he deems necessary, and call upon all interested authorities or persons affected, to lodge with him in writing any objections or other representations in such manner and within such time as may be prescribed.

(3) If, upon the expiration of the notice, no objections or other representations are received from any authority or person, the Minister shall proceed to make and publish in the *Gazette*, the order under section 5.

(4) Where any objections or other representations are lodged in writing with the Minister pursuant to the notice given under subsection (2), the Minister shall cause to be delivered an acknowledgment to the authority or persons lodging the objection or other representations concerned, and shall take into account the objections or representations in determining whether or not to establish the district council or the area of the district council to be established.

(5) As soon as possible after making the order under section 5, the Minister shall lay before the Assembly a copy of the notice issued under subsection (2), together with a copy of the order subsequently made under section 5.

**8.**-(1) As soon as possible after the order made under section 5 and the notice issued under section 6 in respect of any district council have been laid before the Assembly, and in any case not later than the date specified in the establishment order as its date of commencement, the Clerk of the Assembly shall furnish to the district council or councils established or to be established, or whose boundaries are varied or are to be varied, as the case may be, a certificate under his hand containing the particulars prescribed by section 9; and the certificate shall be displayed in a prominent position in the principal office of the district council.

Certificate of establishment

(2) Every certificate of establishment shall be in quintuplicate, and the Clerk of the Assembly shall retain a copy and send the three remaining copies one each to the Minister, the Principal Secretary to the Treasury and the Regional Commissioner for the time being responsible for the region in which the district council in question is established.

**9.**-(1) A certificate of establishment furnished under section 8 shall specify-

Contents and effect of certificate

- (a) the name of the district council being established;
- (b) the total number of members;
- (c) the number of elected members and appointed members;
- (d) the place where the principal office of the authority shall be situated;
- (e) such other particulars as the Minister may from time to time determine.

(2) A certificate of establishment furnished under section 8 shall provide conclusive proof and final authority for the establishment or the variation of the boundaries of a district council, shall be the statutory instrument signifying the delegation by the Assembly of legislative power to the district council in respect of matters within its area of jurisdiction, and be conclusive evidence, in any proceeding, of the establishment of the district council concerned.

(3) Upon the issue of a certificate of establishment and the commencement of an order made under section 5 in respect of any area, whether or not the order is in respect of an existing district council, any reference in any written law, contract or other instrument or document to the local government authority in whose area a district council is established by the order shall be construed as a reference to the name of the district council as established by the order.

(4) Upon the issue of a certificate of establishment under section 8, where the area of the new authority was the area of a district development council, the district development council shall cease to exist and the affairs and operations of all persons and bodies of persons within that area shall be under the jurisdiction of the new authority, whose composition and operation shall be governed by this Act.

Variation of  
area of dis-  
trict council

**10.**-(1) The Minister may, where he deems it necessary or expedient for the promotion of an efficient and effective system of local government, and after consultation with the district council or councils or other authorities concerned, by order published in the *Gazette*, vary the boundaries of any district council.

(2) The Minister shall make an order under subsection (1) whenever-

- (a) a new local government authority is to be established in the area or part of the area over which an existing district council has jurisdiction;
- (b) an area is to be transferred from the jurisdiction of one district council to that of another;
- (c) it is intended to amalgamate or regroup two or more district councils.

(3) An order made under this section shall not come into operation unless and until the procedure prescribed by section 7 has been complied with.

Consequences  
of variation of  
area

**11.** Where the boundaries of a district council are varied in accordance with section 10, the Minister shall, in the order providing for the variation or in a subsequent order to which the provisions of section 10(3) shall then apply, make provision for-



- (a) the apportionment of the franchises, property, income, debts and expenses and of all rights, interests, obligations and liabilities arising under contract in relation to the area or areas transferred as between the district council from which the area or areas are transferred and that to which it or they are transferred as a result of the variation in the boundaries-
- (b) the preservation, continuation or modification of rights of persons in the area or areas transferred arising from the operation in relation to them of the by-laws subsisting in the jurisdiction of the district council or councils from which the area or areas are transferred;
- (c) the application of by-laws of the former district council or councils to the new district council established through the amalgamation of two or more councils.

**12.** Every district council established under this Part, and in respect of which there is furnished to the Minister by the Clerk of the National Assembly a certificate of establishment, shall, with effect from the date of commencement of the establishment order, be a body corporate, and shall-

District council to be body corporate

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued-
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

#### *Establishment of Township Authorities*

**13.**-(1) The Minister may, by order published in the *Gazette*, establish a township authority or such number of township authorities in such places or areas as he may see fit or desirable for the purposes of establishing, promoting, developing and maintaining an effective and efficient system of local government.

Power of Minister to establish township authority

(2) The area of jurisdiction of a township authority shall be such area or place as shall be specified in the order made under subsection (1),

**14.** Every order made under section 13 shall-

- (a) specify the name or names of the township authority or order authorities being established and the date or dates on which it or they shall be established;
- (b) define the area in which the township authority or authorities shall be established and over which it or they shall exercise jurisdiction;
- (c) prescribe the device and official seal of each township authority so established;

Contents of establishing order

and may, in any appropriate case, include any ancillary matters such as the apportionment of assets, the continuance of the application of by-laws and the effect on existing local authorities in the neighborhood, of the establishment of the new township authority or authorities.

Procedure for establishment

**15.** An order made under this Part, establishing a township authority shall not come into operation or be published in the *Gazette*, save after prior approval of the district council, in whose area of jurisdiction the township authority in question is to be established, signified by resolution, has been given to the proposal to establish the township authority.

Certificate of establishment

**16.**-(1) As soon as possible after an order providing for the establishment of a township authority has been published in the *Gazette*, the Director of the district council in whose area of jurisdiction the township authority is being established shall furnish to the township authority established by the order a certificate under his hand signifying the approval of that district council to the establishment of township council, and the incorporation of that township authority in the name specified in the order upon the commencement of the order.

(2) The certificate of establishment furnished by the Director shall be displayed in a prominent position in the principal office or ordinary meeting place of the township authority.

Contests and effect of certificate

**17.**-(1) The certificate of establishment furnished by the Director pursuant to section 16 shall be conclusive proof of, and provide final authority for, the establishment of the township authority.

(2) In addition to the name of the township authority being established, the certificate shall specify-

- (a) the total number of members;
- (b) the number of elected and of appointed members;
- (c) the place where the principal office of the township authority shall be situated; and
- (d) such other particulars as the Minister may, by notice published in the *Gazette*, with the prior approval of the Assembly, determine.

(3) Every certificate of establishment shall be in quadruplicate and the Director shall retain a copy and send the remaining two copies one each to the Minister and the Regional Commissioner for the time being responsible for the Region in which the township authority concerned is established.

**18.**-(1) The Minister may, where he deems it necessary or expedient for the promotion of an efficient and effective system of local government, and-after consultation with the district council in whose area of jurisdiction a township authority is established, by order published in the *Gazette*, vary the boundaries of any township authority.

Variation of area of township authority

(2) The Minister shall - make an order under subsection (1) whenever-

- (a) it is proposed to enlarge the area of the township authority;
- (b) it is proposed to transfer any area of the township authority to another local authority or to transfer to it any area of another local authority or both;
- (c) it is intended to establish a new local authority in an area under the jurisdiction of the township authority;
- (d) it is proposed to amalgamate or regroup two or more township authorities.

(3) The provisions of section 15 relating to the establishment of township authorities shall apply mutates *mutandis* to orders for the variation of boundaries of township authorities.

**19.** Every township authority established under this Part, and in respect of which there is furnished to the Minister by the Director a certificate of establishment in pursuance of section 17(3), shall, with effect from the date of commencement of the- establishment order, be a body corporate, and shall-

Township authority to be body corporate

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable property.

**20.**-(1) The Minister shall, by notice published in the *Gazette*, specify prerequisite qualifications for the attainment by a township authority to the status of a town council, in accordance with the national policy on urban development.

Attainment of town authority status

(2) Upon the satisfaction of the qualifications referred to in subsection (1) by a township authority, the township authority shall be conferred the status of a town council.

**21.** Upon the attainment to the status of a town council and the conferment of that status upon it, the township authority shall cease to be a local government authority of that status and shall be governed in its constitution and operation by the law for the time being in force in relation to urban authorities.

Consequences of attainment new status

*Establishment of Village Authorities*

- Registration of villages **22.**-(1) In any case where the Registrar is satisfied that a cribed number of households have settled and made their within any area of Mainland Tanzania, and that the boundaries of that area can be particularly defined, he may, subject to any directions given in that behalf by the Minister, register that area as a village.
- (2) Notwithstanding subsection (1), the Minister may, in any case-
- (a) authorize two or more areas to be registered as a single village;
  - (b) authorize the registration of an area as a village notwithstanding that there are less than the prescribe number of households within the area.
- (3) The Registrar shall, from time to time, and at least once in every calendar year, cause a notice to be published in the *Gazette* listing every village registered by him since the publication of the previous notice and specifying the location of that village
- Appoint of Registrar **23.**-(1) The Minister shall appoint a public officer to be the Registrar of Villages for the purposes of this Part.
- (2) The Minister may, on the recommendation of the Registrar, appoint such number of Assistant Registrars of Villages as he may deem necessary.
- (3) The Registrar shall discharge and exercise such function and powers as are conferred upon him by or under this Act, and any other functions and powers which may be conferred upon him by any other written law.
- (4) Subject to this Act and to any directions in that behalf given by the Minister, the Registrar may, by writing under his hand, delegate any of his functions to an Assistant Registrar.
- The village assembly **24.** There shall be a village assembly for every village.
- The village council **25.** There shall be a village council for every village in accordance with the provisions of this Act.
- Village council to be body corporate **26.**-(1) As soon as may be practicable after the election of the first village council following the registration of a village, the Registrar shall furnish to the village council a certificate of incorporation in the prescribed form, and also a copy of that certificate to the appropriate Director.
- (2) Upon the issue of a certificate of incorporation in relation to a village, the village council of the village in question shall, with effect from the date of that certificate, be a body corporate, and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of Any movable or immovable property.

**27.**-(1) The Minister shall, by notice published in the *Gazette* specify qualifications prerequisite to the attainment by any area to the status of a township, in accordance with the national policy on urban development.

Attainment  
by village of  
township  
status

(2) Where any village, or any group of villages together, satisfy the qualifications prerequisite to the attainment of township authority status, the Minister may, subject to this Act, declare the area of that village, or those villages, as the case may be, to be a township.

**28.**-(1) Where a village, or the area of a group of villages, is conferred the status of a township, there shall cease to exist in that area a village or villages and there shall be established, in lieu of the village or those villages, a township authority, subject to the provisions of this Act.

Consequences  
of attachment  
of new status

(2) Notwithstanding subsection (1), the Minister may provide for the inclusion of neighboring villages in the area over which a township authority is established, for the purposes only of provision by the authority of any specified services to those villages.

#### *Divisions and Wards*

**29.**-(1) Every district to which this Act applies shall be divided into such number and size of divisions as may, subject to this section, be specified.

Districts to be  
divided into  
divisions and  
wards

(2) A division shall consist of such number and size of wards as the district council may determine, subject to subsection (3).

(3) The Minister may from time to time, by order published in the *Gazette*, provide for general principles to guide and to be complied with by all district councils in determining the number and size of divisions in their respective areas.

**30.**-(1) The area of a district council shall be divided into wards consisting of such number of villages as may be specified in an appropriate order.

Divisions of  
district coun-  
cil into wards

(2) The Minister shall, with the prior approval of the President either by the order made under section 5 providing for the establishment of a district council or by a subsequent order, and may, from time to time thence, by order made under this section, and published in the *Gazette*, divide the area of all or any of the district councils established under this Act into such number of wards as he may specify in the order.

Establish-  
ment of  
Ward  
Comitee

**31.**-(1) There is hereby established a Ward Development Committee for every ward established in the area of every district council.

(2) The Ward Committee shall consist of-

- (a) the Ward Secretary, who shall be the Chairman;
- (b) the elected member of the district council representing the ward;
- (c) public officers seconded to the ward;
- (d) the chairmen of all village councils within the ward;
- (e) the chief executive officers of all village councils within the ward;
- (f) all village managers, if any, within the ward.

(3) The Ward Committee shall appoint one of the chief executive officers of villages within the ward to be the Secretary of the Committee, and he shall hold that office for a term of one year, but may be reappointed.

Functions  
of Ward  
Develop-  
ment  
Committee

**32.**-(1) The Ward Development Committee shall be responsible for ensuring the implementation of the decisions and policies of the district council, and of development schemes, which relate to the ward, and, without prejudice to the generality of that duty, shall, in particular, be responsible for-

- (a) promoting the establishment and development of co-operative enterprises and activities within the ward;
- (b) the initiation or formulation of any task, venture or enterprise designed to ensure the welfare and well being of the residents of the ward;
- (c) the supervision and co-ordination of the implementation of projects and programmes of the district council within the ward;
- (d) planning and co-ordinating the activities of, and rendering assistance and advice to the residents of the ward engaged in any activity or industry of any kind;
- (e) the formulation, and submission to the village councils or to the district council, of proposals for the making of by-laws in relation to the affairs of the ward.

(2) For the purposes of subsection (1), a scheme or programme for the development of the area of the ward includes a scheme or programme-

- (a) for agricultural or pastoral development,
- (b) for the construction of roads or public highways;
- (c) for the construction of works or buildings for the social welfare of the inhabitants of the ward;
- (d) for the establishment of any industry;
- (e) for the construction of any work of public utility.

**33.**-(1) Where any scheme or programme for the development of the ward has been approved by the Director or the village councils concerned, as the case may be, the ward development committee shall, in such manner as is customary to disseminate information in the area, inform all persons within the area of the ward of the details of the scheme or programme and of the date, time and place upon which and when the persons liable to participate in its implementation shall report in order to so participate.

Procedure for implementation of schemes and programmes

(2) The ward development committee may require different categories of persons to report for participation in the implementation of a scheme or programme, as the case may be, at different times.

(3) Subject to the preceding provisions of this section, and to any general or specific directions of the district council in that behalf, the ward development committee may, in enforcing the implementation of any scheme or programme, as the case may be, adopt such procedure or procedures as will appear to it to be best suited for or conducive to the speedy and correct realization of the purposes of the scheme or programme.

**34.**-(1) Subject to any regulations made in that behalf or any directions given by the district council, every Ward Development Committee may regulate its own procedure.

Proceedings of ward Development committee

(2) The Director of each district council shall be the Secretary to the council, but shall not vote at any of its meetings.

(3) The validity of any act or decision taken at any meeting of a Ward Development Committee or any of its subcommittees shall not be affected by any vacancy in their respective membership or any defect in the appointment of the persons attending any of their respective meetings.

### PART III

#### COMPOSITION OF LOCAL GOVERNMENT AUTHORITIES

##### Composition of District Councils

**35.**-(1) Every district council shall consist of-

- (a) members elected one from each ward in the area of the district council;
- (b) members elected by the district council one each from among persons nominated two each by Party Organizations in the area of the district council;
- (c) three members appointed by the Minister;
- (d) the Member or Members of Parliament representing constituencies within the area of the district council in the Assembly;

Constitution of district council

- (e) if he is resident in the area of the council, the national Member of Parliament elected from the region in which the council is situated; and
- (f) other members elected by the district council one from among the chairmen of village councils within the area of the district council.

(2) The Director of the each district council shall be the Secretary to the council.

(3) Members of the district council elected under paragraph (f) shall be elected after every three years by rotation and shall not exceed one-third of all elected members of the district council.

(4) Members required to be elected by the district council shall be elected by secret ballot at elections in which no person shall participate except members referred to in subsection (1) (a), (d), and (e), and they shall be deemed to be appointed members for the Purpose of this Act.

Chairmanship of district council

**36.**-(1) There shall be a Chairman and Vice-Chairman for each district council.

(2) The Chairman and the Vice-Chairman of the district council shall each be elected by members from amongst the elected members of the Council.

(3) The chairman, when elected, shall, unless he sooner resigns or otherwise ceases to be a member, hold office for a term of three years and at the expiration of that term shall be eligible for re-election, subject to the provisions Of section 44. The Vice-Chairman shall hold that office for one year, but may be re-elected.

Election of elected members

**37.**-(1) All elected members of the district council shall be elected at elections conducted for the purpose in accordance with the provisions of the law for the time being in force in relation to the election of members of local government authorities.

(2) Ordinary elections of elected members shall be held prior to the date of retirement of incumbent members; and elected members shall not assume their offices until after the incumbent members have retired,

Qualifications for election

**38.**-(1) Subject to the following provisions of this section, any citizen of the United Republic who has attained the age, of twenty one years, and who is ordinarily resident within the area of jurisdiction of a district council, and who is not an officer or employee of that council, shall be qualified for election as an elected member of that district council.

(2) A person shall be disqualified for election as an elected member of a district council if-



- 
- (a) he is under a declaration of allegiance to some country other than the United Republic;
- (b) he is adjudged or otherwise declared to be of unsound mind in accordance with any law for the time being in force in the United Republic;
- (c) having been convicted of an offence, or in pursuance of the provisions of any written law for the time being in force-
- (i) he is under sentence of death imposed on him by any court in Mainland Tanzania or a sentence of imprisonment exceeding six months imposed on him by a court; or
  - (ii) he is detained under an order made under the Preventive Detention Act, 1962, and has so been detained under the order for a period exceeding six months within a period of two years immediately preceding election day; or cap. 490
  - (iii) he has been deported under an order made under the Deportation Ordinance which has been in force for a period exceeding six months, and is still in force on election day; Cap 38
- (d) he is a party to, or is a partner in a firm or manager of a company which is a party to, any subsisting contract with the district council to which he seeks election and has not, within one month before the date of election, published by fixation on the notice board of the district council headquarters concerned, a notice setting out the nature of the contract and his interest or the interest of the firm or company in the contract,
- (e) he is disqualified from becoming a member of any local authority by or under any written law;
- (f) he is disqualified from registering as a voter in local authority elections or disqualified from voting at any election under this Act or under any written law relating to offences connected with any election;
- (g) subject to such exceptions and limitations as the President may, by order published in the *Gazette*, prescribe, if he holds or acts in any office or appointment in the service of the United Republic or a local authority;
- (h) he or his spouse is the beneficial owner of any share in any company incorporated or established in the United Republic or elsewhere or of any interest in the share;
- (i) he or his spouse holds the office of a director in any company incorporated or established in the United Republic or elsewhere otherwise than as a nominee of the Government or a local authority or of any statutory corporation or of any company of which the majority of ordinary shares are held by the Government, a local authority or a statutory corporation;

- (j) he or his spouse is the beneficial owner of any house or other building or of any interest in a house or other building which, or any portion of which, is in the exclusive occupation of some other person in consideration of payment of rent, fee or other valuable consideration of any kind other than lawful deductions from the wages payable to a domestic servant in respect of occupation by him of any portion of the house or of any quarters attached to the house;
  - (k) he or his spouse is in receipt of two or more salaries;
  - (1) he or his spouse, being a person engaged in any trade, business, profession or vocation, employs any workman for the purposes of, or in connection with, trade, business, profession or vocation.
- (3) For the purposes of sub-paragraph (i) of paragraph (c) of subsection (2)-
- (a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds six months but if any of them exceeds six months they shall be regarded as one sentence; and
  - (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of, the payment of a fine.
- (4) For the purpose of paragraph (i) of subsection (2) of this section, "share" includes stock, debenture and other interest of any kind.
- (5) For the purposes of paragraph (h) and (j) of subsection (2) of this section-
- (a) a person shall not be deemed to be a beneficial owner of a share in a company or of a house or other building if that person's interest in the share, house or other building is as a beneficiary under a trust or wakf relating to the share, house or other building or interest in a share, house or other building and if-
    - (i) he himself is not the settler of the trust or wakf; and
    - (ii) he was not, at any time during the five years immediately preceding the settlement of the trust or wakf, the beneficial owner of the share, house or building, or of any interest in the share, house or buildings;
  - (b) a person shall not be in contravention of the provisions of paragraph (h) or (j) where any share, house, or building or any interest in a share, house, or building becomes vested in him by inheritance or by operation of law if-
    - (i) where the share, house or building or interest in a share, house or building so vested in him within the three months immediately preceding the date appointed for

the primary nomination, the person lodges with the Electoral Authority an undertaking in the prescribed form to dispose of the share, house or building within three months of the primary nomination; or

- (ii) where the share, house or building or interest in a share, house or building becomes so vested in him after the date appointed for the primary nomination but before that person or his spouse, as the case may be, takes his seat as a member of the district council, he lodges with the Electoral Authority any undertaking in the prescribed form that he will dispose of the share, house or building or, as the case may be, interest in the share, house or building becomes so vested in him after the spouse, as the case may be, becoming a member of the district council.

(6) For the Purposes of paragraph (j) of subsection (2) of this section "statutory corporation" means any body corporate established by or under any written law other than the Companies Ordinance.

(7) For the purposes of paragraph (1) of subsection (i) of this section-

(a) "salary" means-

- (i) the gains or profit from any trade, business, profession or vocation, or
  - (ii) the remuneration payable to a person under any contract of service by way of salary, wages or allowances; or
  - (iii) the income accruing to a beneficiary under a trust or wakf from the trust or wakf, but does not include the allowances payable to a member of the district council as a member;
- (b) where a person receives two or more salaries he shall be deemed to be receiving only one salary if the total amount received by him does not exceed the amount of the salary for the time being payable to a Member of Parliament as a member, and
- (c) where a person is a beneficiary under two or more trusts or wakfs, the total income received by him as a beneficiary shall be deemed to be one salary.

(8) Notwithstanding the provisions of paragraph (a) of subsection (7) of this section, the President may, by order published in the Gazette, declare any income, remuneration or emoluments not to be a salary for the purposes of paragraph (k) of subsection (2) of this section.

Tenure of  
officer of  
elected mem-  
bers

**39.**-(1) The term of office of a member of a district council, including that of the Chairman, shall be three years and all the elected members shall retire on the third anniversary of the date on which they assumed their office and their places, if not re-elected, shall be filled by newly elected members who shall come in office on that day.

(2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.

Cessation of  
membership  
for disqua-  
lification

**40.** Where a person is elected a member of a district council and subsequently circumstances occur in relation to him such that if he were not yet elected he would thereby have been disqualified from standing as a candidate for election as a member, he shall be disqualified from continuing in office, shall cease to be a member and the Electoral Authority shall declare his seat on the district council to be vacant, and thence cause elections to be held to fill the vacancy.

Resignation  
and absence  
of members

**41.**-(1) Any elected member may resign his seat on the council giving written notice of his resignation to the Chairman.

(2) A district council may grant leave of absence from its meetings, not exceeding ten months, to any member who desires to proceed to a destination outside the United Republic; and during the period of absence of that member the district council may, with the consent of the proper officer, co-opt a person to discharge the duties of the absent member, subject to subsection (3).

(3) Where an elected member is for any reason absent from the United Republic for a period exceeding ten months his seat on the district council shall be deemed to be vacant.

(4) A person coopted to discharge the functions of the office of a member shall during the period for which he is coopted have and exercise the same rights and powers in all respects as the member the functions of whose office he is discharging has when present.

(5) Where any member of a district council-

- (a) without leave of absence or the prior written consent of the chairman, absents himself from three consecutive ordinary meetings of a district council; or
- (b) without leave of absence or the prior written approval of the chairman of a committee absents himself from three consecutive meetings of any committee to which he has been appointed by the district council,

he shall, after proper inquiry by the district council at a subsequent meeting held for that purpose, be liable to be discontinued in his office as a member of the district council.

**42.-**(1) The Electoral Authority shall, declare the seat of any member of the District council to be vacant whenever it is informed in writing by the Chairman of the council that-

Casual vacancies

- (a) the member has died or resigned, or
- (b) the member is, by virtue of the terms of or under this Act or any other written law, disqualified from or should be declared to be incapable of becoming or continuing to be a member, or
- (c) -the election of that member has been declared void, or
- (d) the seat of that member is deemed to be vacant under this Act.

(2) Any vacancy which is declared pursuant to sub-section (1) Shall be deemed to be a casual vacancy for the purposes of this Part.

(3) Subject to subsection (4), a casual vacancy shall be filled within ninety days Of its occurrence or such further period as the Minister may in any particular case allow, by nomination or, if the member whose place becomes vacant was elected, by election in the manner Prescribed by law for the filling of casual vacancies and the member filling the vacancy shall hold office for the unexpired portion of the term of the office of the member whose place has become vacant.

(4) Where a casual vacancy occurs within six months immediately preceding the ordinary date of the retirement of the member in respect of whom the vacancy occurs, a nomination or election under this section shall not be made or held to fill the vacancy, but the vacancy shall be filled at the next ordinary nomination or election,

**43-**(1) All questions arising as to whether a person has been lawfully elected a member or not, or the right of any person to be or remain a member of a district council, shall be determined by a court of a Resident Magistrate upon the application of or election Petition Presented by, any one or more of the following persons, namely-

Decision of question as to membership of council

- (a) a person who lawfully voted or had a right to vote at the election to which the application or election petition relates -
- (b) a person claiming to have had a right to be nominated or elected at an election -
- (c) a person claiming to have been a candidate at the election;
- (d) a person claiming to have a right to be or remain a member of a district council;
- (e) the Attorney- General.

(2) Petitions and applications tried in pursuance of this section shall be governed by the provisions of the law for the time being in force in relation to the trial of petitions and applications arising from elections in local government authorities.

Procedure for  
the election  
of chairman  
and vice-  
Chairman

**44.**-(1) There shall be held an election for the office of Chairman whenever the seat is or is due to be vacant, which shall be conducted in accordance with the provisions of the law for the time being in force in relation to the election of members of local government authorities.

(2) An election of the Vice-Chairman shall be held whenever that office is vacant, and the district council shall regulate its own procedure for the purpose.

#### *Composition of Township Authorities*

Constitution  
of township  
authority

**45.**-(1) Every township authority shall consist of-

- (a) a Chairman;
- (b) members elected one each from each ward in the area of the township authority;
- (c) not more than six nor less than three other members appointed by the district council within whose area of jurisdiction the township authority is situated;
- (d) the Member of Parliament representing the constituency within which the township authority is established;

(2) The Township Executive Officer of the township authority shall be the secretary of the township authority but shall not vote at any of its meetings.

Election of  
Chairman  
and Vice-  
Chairman

**46.**-(1) The Chairman and the Vice-Chairman of a township authority shall each be elected by the members of the township authority from amongst the elected members of that authority.

Elected and  
appointed  
members  
the township  
authority

**47.**-(1) For the avoidance of doubt, an elected member of a township authority shall be such member by virtue only of his being a member of the district council elected from a ward within the area of the township authority.

(2) The appointment of appointed members of a township authority shall be carried out at the first meeting of the district council next following the establishment of the township authority concerned within the area of the district council.

(3) All persons who become members of a township authority immediately after its establishment shall hold office only for the remainder of the term of office of the elected members of the district council.

**48.** The provisions of section 38 which relate to the qualifications for election to membership of a district council shall apply, *mutatis mutandis*, to persons seeking election to membership of a township authority as if references in that section to district councils were references to township authorities.

**49.**-(1) The term of office of an elected member of a township authority, including the Chairman, shall, subject to subsection (3), be three years and all the elected members shall retire on the third anniversary of the date on which they assumed their offices and their places, if not re-elected, shall be filled by newly elected members who shall come in office on that day.

Tenure of  
office of  
members

(2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.

**50.** Where a person is elected a member of the township authority and subsequently circumstances occur in relation to him such that if he were not yet elected he would thereby have been disqualified from standing as a candidate for election as a member, he shall be disqualified from continuing in office, shall cease to be a member and the Electoral Authority shall declare his seat on the township authority to be vacant, and thence cause elections to be held to fill the vacancy.

Cessation of  
membership  
of dis-  
qualification

**51.** The provisions of section 41 shall apply, *mutatis mutandis*, to township authorities in relation to the right of members to resign and the limitation on frequency of absence of members from meetings as if references in that section to district councils were references to township authorities.

Regnaton  
and absence  
of members

**52.** The provisions of section 42 shall apply, *mutatis mutandis*, to township authorities in relation to the occurrence and the filling of casual vacancies as if references in that section to district councils were references to township authorities.

casual vac-  
ancies

**53.** The provisions of section 43 shall apply, *mutatis mutandis*, to the resolution of questions as to membership of township authorities as if references in that section to a district council were references to a township authority.

Decision of  
questions as  
to members  
of township  
council

**54.**-(1) There shall be held an election for the office of Chairman of a township authority whenever the seat is or is due to be vacant, which shall be conducted in accordance with the provisions of the law for the time being in force in relation to the election of members of local government authorities.

procedure for  
the election  
of Chairman  
and Vice-  
Chairman

(2) An election of the Vice-Chairman shall be held whenever that office is vacant, and the township authority shall regulate its own procedure for the purpose.

*Composition of Village Government Organs*

- Composition of village assembly **55.** Every village assembly shall consist of every person who is ordinarily resident in the village and who has attained the apparent age of eighteen years.
- Composition of council **56.**-(1) Each village council shall consist of such number of members elected according to such procedures as shall be prescribed by the Minister.
- (2) The Chairman of the branch of the Party within the village, where a branch exists, shall be the chairman of the village council and the Secretary of that branch shall also be the Village Secretary.
- Election of village council **57.**-(1) As soon as may be practicable after the registration of a village, the village assembly of the village shall meet for the purpose of electing a village council for the village.
- (2) The meeting convened under subsection (1) shall be presided over by a chairman elected by the village assembly from among its members for the purposes of holding elections.
- (3) As soon as may be practicable after the expiry of three years from the date when the village council was elected by the village assembly, the chairman of the village council shall convene a meeting of the village assembly for election of new members of the council.
- (4) At a meeting convened pursuant to the provisions of subsection (3), the Chairman of the Council, or in his absence or inability to act, a temporary chairman elected by the village assembly, shall preside.
- (5) It shall be lawful for the village assembly, at a meeting convened pursuant to subsection (3), to enlarge or reduce, subject to regulations in that behalf made under this Act, the membership of the village council to be elected.
- Qualifications for election **58.** No person shall be qualified for election as a member of the village council of a village unless-
- (a) he has attained the apparent age of twenty-one years;
- (b) he is a member of a household within the village and is ordinarily resident in the village.
- Tenure of office of members **59.** Every member of the village council shall, unless he sooner ceases to be a member by death or resignation, continue to hold office as a member of that council until such time as the village assembly next meets for the election of the members of the council in accordance with the provisions of subsection (3) of section 57.



**60.** Where it is ascertained that any member was elected while he was not qualified for election, or that a member properly elected has subsequently become disqualified to continue holding office as a member, that member shall forthwith cease to be a member, and arrangements shall be made to cause elections to be held to fill the casual vacancy so occurring.

Cessation of membership for dis-qualification

**61.**-(1) A member of the village council may at any time resign by giving written notice of his intention to resign to the chairman of the village council, and his resignation shall take effect from the date mentioned in the notice or, if no date is mentioned, on the receipt of the notice by the chairman.

Resignation and absence of members

(2) Any member who, without leave of absence or the prior approval of the chairman absents himself from three consecutive ordinary meetings of the village council, or, of a committee of the council to which he is appointed by the council, shall by virtue of such absence be disqualified from continuing to be a member of the village council or of that committee.

**62.** Any casual vacancy occurring in the membership of a village council may be filled by the council by appointment of a member from amongst the residents of the authority, save that-

Casual vacancies

- (a) no person shall be appointed under this section unless he is a person who would qualify for election as a member under section 58;
- (b) any person appointed under this section shall hold office for the unexpired term of office of his predecessor;
- (c) the village council may, if in its opinion it is desirable so to do, convene an extraordinary meeting of the village assembly for election of a member to fill the vacancy.

## PART IV

### MEETINGS AND PROCEEDINGS OF LOCAL GOVERNMENT AUTHORITIES

#### *Meetings and Proceedings of District Councils*

##### *A:-Provisions Regarding Meetings*

**63.**-(1) Subject to subsections (2) and (3) a district council shall hold an ordinary meeting for the transaction of its business at least once in every three months at such place, on such date and at such time as it may decide from time to time.

Frequency, place and time of meetings

(2) The first ordinary meeting of a district council newly established under this Act shall be held at such place, on such day and at such time as the District Executive Director may appoint.

(3) The Chairman shall convene a special meeting within twenty-one days, or such lesser period as may be prescribed by the standing orders of the district council, after he receives a written request to that effect signed by not less than one-third of all the members of the district council and stating clearly the purposes for which the special meeting is requested to be convened.

Quorum at meetings

**64.** One-half of all the members of a district council shall constitute a quorum at Any ordinary meeting of the council, and the quorum at a special meeting of the council shall be two-thirds of all the members.

Presiding at meetings

**65.** There shall preside at any meeting of a district council-

- (a) the chairman- or
- (b) in the absence of the Chairman, the Vice-Chairman; or
- (c) in the absence of both the Chairman and the Vice-Chairman or in the case of inability of both to preside, such member of the district council as the members present may elect from amongst the elected members amongst themselves for the purpose of the meeting concerned.

Decisions of district councils

**66.** All questions proposed for decision at any meeting of the district, council shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes the chairman or other member presiding shall have a casting vote in addition to his deliberative vote.

Meetings to be held in public

**67.**-(1) Subject to subsection (2), every meeting of a district council shall be open to the public and the press.

(2) The provisions of subsection (1) shall not apply to any committee, sub-committee or joint committee, or to a committee of the whole district council.

Minutes of meetings

**68.**-(1) The Secretary shall record and keep details of all business conducted or transacted at all meetings of the district council in books kept and maintained for that purpose, and the minutes of each meeting of the council shall be read and confirmed, or be read, amended and confirmed, at the next meeting of the council and signed by the person presiding at that meeting.

(2) The names of all members of a district council present and absent, and those of non-members invited to attend, at every meeting of the council shall be recorded in the minutes.

(3) Any minutes purporting to be signed by the person presiding at a meeting of a district council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be, the meeting shall be deemed to have been duly convened and held, and all persons present at the meeting shall be deemed to have been qualified to attend.

69. The minutes of the proceedings of a district council shall be open to inspection by members at all reasonable times, and by any Member of the public at such time and under such arrangements as may be sanctioned by the Chairman, and any person may obtain an extract from the minutes upon payment of such fee as may be specified by the district council.

Minutes to be open to inspection

70.-(1) Subject to this Act and to any subsidiary legislation made under it, a district council may, with the prior approval of the Minister, make standing orders for the regulation of its proceedings and business, and in respect of matters to be referred and functions to be delegated to any committee of the council, and may, subject to such approval, vary, revoke, add to or amend those standing orders.

Standing orders of the district council

(2) Provision may be made in standing orders made under this section for the payment of transport, attendance, responsibility and other allowances approved by the proper officer to members of a district council.

71.-(1) If a member of a district council has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the council or its Committee at which the contract, proposed contract or other matter is the subject of consideration he shall, as soon as practicable after the Commencement of that meeting, disclose that fact and shall not take part in or be present at the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or that other matter, subject to subsection (2).

Councillors' interest in contracts, agreements, etc

(2) This section shall not apply to an interest in a contract or other matter which a member of a district council may have as a rate payer or inhabitant of the area of jurisdiction of the council, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods is offered to members of the public.

(3) Subject to this subsection and subsection (4), for the purposes of this section a person shall be treated as having an indirect pecuniary interest in a contract or other matter, if-

(a) he or his nominee is a member of a company or other body, or the holder of debentures in a company, with which the contract is made or proposed to be made or which has a direct pecuniary interest in the matter under consideration;

...

or

(b) if he is a partner or in the employment of a person with whom the contract is made or proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(4) Subsection (3) shall not apply to membership of, or employment under any other district council or any association of persons who provide any public utility as a public body and not for their own profit; and a member of a company or other body shall not by reason only of his membership, and a person holding debentures shall not, by reason only of his holding debentures, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body or in those debentures.

(5) In this section a direct or indirect interest of a spouse or any members of the family of a member of the district council shall, if known to that member of the council, be deemed to be a direct or indirect interest, as the case may be, of the member of the district council.

(6) A general notice given in writing to the Director by a member of the council to the effect that he, his spouse, or a member of his family has a direct or indirect interest in a contract, proposed contract or other matter and specifying the nature of the interest, shall, unless and until it is withdrawn, be deemed to be a sufficient disclosure of his interest in any matter relating to it which may be the subject of consideration after the date of the notice.

(7) The Director shall cause to be recorded, in a book to be kept for the purpose, particulars of any disclosure made under subsection (1) and of any notice given under subsection (6); and that book shall be open to inspection at all reasonable times by any member of the district council.

(8) Any person who refuses or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment, and shall, by virtue of the conviction and punishment, be disqualified from continuing to be a member of the authority, and shall be liable to account to the authority for any profit which may accrue to him from any such contract or matter; but no prosecution for an offence under this section shall be instituted except with the prior consent of the Director of Public Prosecutions.

(9) The Minister may, subject to such conditions as he may think fit to impose, remove any disability incurred under this section in any case where the number of members of a district council so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the proper officer to be in the interest of the inhabitants of the area of jurisdiction of the council that disability should be so removed.

(10) In this section-

(a) a member of the family or a member of a district council shall be deemed to include the father, mother, child,

brother, or sister of the member, and any person married to his father, mother, child, brother, or sister;

(b) the expression " District Executive Director" includes a . person who is for the time being acting in that office.

72. The validity of any act or' proceeding of a district council, its members or of any of its officers shall not be affected by any 'Vacancy among the members of the council or by any defect in their election or appointment, or that of its officers.

Validity of acts and proceedings of district council and officers

73- (1) The Chairman of a district council may invite any person to attend and speak on any matter, or participate in any other way at any meeting of the council, but any person so invited shall not be entitled to vote at that meeting.

Invitation to non-member to attend meetings

(2) All heads of departments of a district council shall attend all meetings of the council but they shall not be entitled to vote in any of those meetings.

#### *B.-Committees of District Councils*

74. Every district council shall establish the following standing Committees-

Standing committees of district council

- (a) a Standing Committee responsible for finance and planning;
- (b) a Standing Committee responsible for administration and establishment;
- (c) a Standing Committee responsible for social services;
- (d) a Standing Committee responsible for educational affairs, and
- (e) a Standing Committee responsible for economic services.

75.-(1) Subject to subsection (2), provision shall be made in ing orders of a district council for the composition and func- of each standing committee established under section 74.

Function of standing committees

(2) For the purposes of the performance of the functions of the district council as a local education authority pursuant to the tions of Part III of the National Education Act, 1978, each ing committee for educational affairs established by a district pursuant to section 70 shall be deemed to be the Education Committee the establishment of which is referred to in section 11 the National Education Act, 1978, and for that purpose the Minister for the time being responsible for national education shall by order published in the *Gazette*, specify matters which a district council shall take into account in establishing and providing for the performance of the functions of the Standing Committee on education affairs.

Acts 1978 No. 25

Power to  
appoint other  
committees

**76.-M** Any district council may establish such other standing committee or other committees as in its opinion is or are necessary or expedient for the better performance of the functions and efficient management of the affairs and business of the district council.

(2) The number of members of a standing or other committee established under this or section 70 shall be such as may, from time to time, be determined by the council.

(3) Any committee appointed under this section may include persons who are not members of the district council appointed by the council or coopted by the committee, and all coopted persons shall have and exercise rights and powers in all respects in relation to the business of the committee as if they were appointed members.

(4) Notwithstanding the provisions of subsection (3)-

(a) no person other than a member of the district council shall be a member of a standing committee for finance and administration or a standing committee for educational affairs, or any of their sub-committees;

(b) each standing committee, save for the standing committee for finance and administration and the standing committee for educational affairs, shall consist of not less than two-thirds of the members of the district council.

Co-option  
of non-  
councillors  
committee

**77.** Any committee of the district council may, subject to prior of the council, co-opt as members of the committee such number of persons who are not members of the council as it may deem necessary for the efficient execution of any task undertaken by it.

Delegation of  
power to  
committee

**78.-(1)** Subject to subsection (2), and to any restrictions or conditions as it may deem fit to impose, a district council may delegate to a committee the power to discharge any function on behalf of the council.

(3) A district council may withdraw or alter any delegation to a committee, but no such withdrawal or alteration shall affect anything done in pursuance of any decisions lawfully taken by the committee.

(4) Any function discharged or power exercised by a committee in pursuance of the delegation made to it under this section shall be deemed to have been discharged or exercised by the district council.

Sub-Committees

**79.-(1)** Any committee or joint committee may appoint from amongst its members such sub-committee or sub-committees as it may deem expedient for the purposes of examining and reporting on any matter, but the committee shall not delegate any of its executive power to any such sub-committee.

(2) The number of members of a sub-committee and their terms of office shall be such as may from time to time be fixed by the committee appointing it.

(3) Subject to the standing orders of the district council, a sub-committee shall determine its own procedure.

(4) A sub-committee shall not discharge any of the functions of the district council which have been delegated to the committee by which it was appointed.

**80.**-(1) Subject to any general or specific directions given by the Minister in that behalf, a district council may concur with any one or more other district council or other local government authorities, in appointing from among their respective members a joint committee of those councils or of that council and the other local government authority or authorities for any purpose in which they are jointly interested, and may delegate to that committee, subject to such restrictions or conditions as they may deem fit to impose, any powers or functions of the council relating to the purpose for which the joint committee is formed except such matters as the district council is not empowered to delegate by this Act.

Join com-  
mittees

(2) Subject to this Act, the composition of any joint committee appointed under this section, the term of office of its members and the area within which committee is to perform its functions shall be determined by the council or councils and local government authorities appointing it.

(3) A joint committee shall not incur any expenditure exceeding the amount allowed by the appointing authority.

**81.**-(1) Subject to this Act and to any subsidiary legislation made under it, a district council appointing a committee, or the authorities establishing a joint committee, may make, vary or revoke and replace standing orders respecting the quorum, proceedings and place of meeting of the committee or joint committee, and subject to those standing orders, a committee or joint committee shall regulate its own procedure.

Standing  
orders for  
committees

(2) Standing orders made under this section shall not be inconsistent with the standing orders of a district council made under section 70.

**82.**- (1) The proceedings of every committee, sub-committee or joint committee of a district council shall, subject to this Act, be regulated in accordance with standing orders made under section 81, subject to the following provisions of this section.

Proceedings  
of commit-  
tees and sub-  
committees

(2) Minutes of the proceedings of a meeting of a committee, joint committee or sub-committee shall include a record of the names of all members present and absent, and shall be drawn up and signed at the same or a subsequent meeting by the person presiding at that meeting, and any minutes so signed shall, in the absence of proof of error, be received in evidence without further proof.

(3) The validity of any act or decision taken at any meeting of a committee, joint committee or sub-committee shall not be affected by any vacancy in its membership or any defect in the appointment of any of the persons attending the meeting.

Effect of vacancies on committees

**83.**-(1) Subject to section 82(3), where a vacancy occurs in any committee, joint committee or sub-committee, it may continue to act notwithstanding the vacancy or vacancies until that vacancy has or those vacancies have been filled by nomination, election or appointment, as the case may be.

(2) Nothing in this-section shall be construed as rendering unnecessary at any meeting of a committee, joint-committee or sub-committee such quorum as may be provided for by or under this Act or in any standing orders made pursuant to this Act.

(3) For the avoidance of doubt it is hereby declared that no Committee, joint committee or sub-committee shall hold any proceedings at any time while the number of its members present is less than the quorum provided for in respect of it.

Reports of committees and sub-committees

**84.** Every committee, joint committee or sub-committee appointed under this Part shall report its findings to the council or authority appointing it.

Public and press

**85.** The proceedings of a Committee, joint committee or sub-committee shall not be open to members of the public or the press except in pursuance of a resolution of the district council appointing it or in pursuance of resolutions to that effect of all the councils or authorities concurring to appoint the joint committee.

**86.**-(1) Subject to this Act and notwithstanding the provisions for the making of standing orders, the Minister may after consultation with the district councils or a category of them, make rules providing for the convening of meetings, the regulation of the business and proceedings of meetings, prescribing the quorum, and generally providing for the proper and orderly conduct of the business and proceedings at meetings of committees of district councils.

(2) Rules made by the Minister under this section shall apply to meetings of committees of councils in lieu of standing orders of committees but shall not be inconsistent with standing orders of the district council concerned.



*Meetings and Proceedings of Township Authorities**A.-Provisions Regarding Meetings*

**87.**-(1) A township authority shall, subject to subsections (2) and (3), hold an ordinary meeting for the transaction of its business at least once in every three months, and at such place, on such date and at such time as it shall determine.

Meetings of township authority

(2) The first ordinary meeting of a township authority newly established under this Act shall be held, at such time and place as the Township Executive Officer may appoint.

(3) The chairman may convene a special meeting within twenty-one days, or such lesser period as may be prescribed by the district council, after he receives a written request to that effect signed by not less than one-third of all the members of the township authority and stating clearly the purposes for which the special meeting is requested to be convened.

**88.** One-half of all the members of a township authority shall constitute a quorum at any ordinary meeting, and the quorum at a special meeting of the council shall be two-thirds of all the members.

Quorum at meetings

**89.** There shall preside at any meeting of a township authority-

Presiding at meetings

(a) the Chairman; or

(b) in the absence of the Chairman, the Vice-Chairman; or

(c) in the absence of both the Chairman and the Vice-Chairman or, in the case of inability of both to preside, such member of the township authority as the members present may elect from amongst the elected members among themselves for the purposes of the meeting concerned.

**90.** All questions proposed for decision at any meeting of a township authority shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes the Chairman or other member presiding shall have a casting vote in addition to his deliberative or original vote.

Decisions of township authorities

**91.**-(1) Subject to subsection (2), every meeting of a township authority shall be open to the public and the press.

Meetings open to the public

(2) The provisions of subsection (1) shall not apply to any committee, sub-committee or joint committee, or to a committee of the whole township authority.

**92.**-(1) The Secretary shall record and keep details of all business conducted or transacted at all meetings of a township authority in books kept and maintained for that purpose, and the minutes of each meeting shall be read and confirmed, or be read, amended and confirmed, at the next meeting of the council and be signed by the person presiding at that meeting.

Minutes of meetings

(2) The names of all members of a township authority present, and those of non-members invited to a every meeting of the council shall be recorded in the minutes.

(3) Any minutes purporting to be signed by the person presiding at a meeting of a township authority shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be, the meeting shall be deemed to have been duly convened and held, and all persons present at the meeting shall be deemed to have been qualified to attend.

Minutes to be open to inspection

**93.** The minutes of the proceedings of a township authority shall be open to inspection by members at all reasonable times, and by members of the public at such times and under such arrangements as may be sanctioned by the Chairman, and any person may obtain an extract from the minutes upon payment of such fee as may be prescribed by the township authority.

Validity of acts and proceedings of township authority and officer

**94.** The validity of any act or proceeding of a township authority, its members or of any of its officers shall not be affected by any vacancy amongst the members of the council or by any defect in their election or appointment or that of its officers.

Invitation to non-members to attend and participate

**95.**-(1) The Chairman of a township authority may in writing invite any person to attend and to speak on any matter or partieny other way, at any meeting of the council, but any person so invited shall not be entitled to vote at that meeting.

(2) All heads of departments of a township authority shall attend at all meetings of the authority but they shall not be entitled to vote at any of those meetings.

#### *B.-Committees of Township Authorities*

Power to establish committees

**96.**-(1) Every township authority shall establish the following committees-

- (a) a finance and administration committee;
- (b) an urban planning committee;
- (c) a public health and social welfare committee;
- (d) a works committee;
- (e) an education committee;
- (f) a trade and economic committee.

(2) A township authority may establish such other committee or committees as in its opinion is or are necessary or expedient for the better performance of the functions and efficient management of the affairs and business of the township authority.

(3) Subject to subsection (4) and to section 97, the number of members of a committee appointed or established under this section, and their terms of office shall be such as may from time to time be determined by the authority.

(4) A committee established or appointed under this section may include persons who are not members of the authority; save that-

- (a) a person who is not a member of the council shall not be a member of the finance and administration committee;
- (b) not less than two-thirds of the members of a committee, other than the finance and administration committee, shall be members of the authority.

**97.** Any committee of a township authority may co-opt as members of the committee such number of persons who are not members of the authority as it may deem necessary for the efficient execution of any task undertaken by it.

co-option  
of non-  
councillors  
committees

**98.**-(1) Subject to subsection (2), and to such restriction or conditions as it may deem fit to impose, a township authority may delegate to a committee the power to discharge any function on behalf of the authority.

Delegation of  
power to  
committees

(2) A township authority shall not delegate to any committee the power-

- (a) to make by-laws;
- (b) to recommend estimates of revenue and expenditure of the township authority to the district council;
- (c) to borrow money; or
- (e) to impose fees and charges.

(3) A township authority may withdraw or alter any delegation to a Committee, but no such withdrawal or alteration shall affect anything done in pursuance of any decisions lawfully taken by the Committee.

(4) Any function discharged or power exercised by a committee in pursuance of a delegation made to it under this section shall be deemed to have been discharged or exercised by the township authority.

**99.**-(1) The proceedings of every committee of a township authority shall, subject to this Act, be regulated in accordance with any directions given in that behalf by the council, subject to the following provisions of this section.

Proceedings  
of commit-  
tees

(2) Minutes of the proceedings of a meeting of a committee shall include a record of the names of all members present and absent, and shall be drawn up and signed at the same or a subsequent meeting by the person presiding at that meeting and any minutes so signed shall, in the absence of proof of error, be received in evidence without further proof.

(3) The validity of any act or decision taken at any meeting of a committee of a township authority shall not be affected by any vacancy in its membership or any defect in the appointment of any of the persons attending the meeting.

Report of committees

**100.** Every committee appointed under this Part shall report its findings to the township authority.

public and press

**101.** The proceedings of a committee shall not be open to members of the public or the press except in pursuance of a resolution to that effect of the township authority appointing it.

Rules

**102.** Subject to this Act, the Minister may, after consultation with the district council within whose area of jurisdiction a township authority is situate, make rules, to be published in the *Gazette*, regulating the procedure for the conduct of the business of committees under this Part.

#### *Meetings -of Village Government Organs*

Meetings of village assembly

**103.**-(1) There shall be convened a meeting of the village assembly whenever it is necessary to hold elections to constitute a village council or to elect any member of it.

(2) There shall be held an ordinary meeting of the village assembly at least once in every three months.

(3) The village council may, if it considers it necessary or desirable for any reason so to do, convene an extraordinary meeting of the village assembly to discuss and decide upon any matter of extraordinary public importance.

Meetings of village council

**104.** The village council shall meet at such times and places as it may determine, and at such intervals as is necessary or expedient for, or conducive to the effective and efficient management of the affairs and business of the council and the maintenance of good order and government in the village.

Quorum at meetings of village council

**105.** The quorum at any meeting of a village council shall be not less than half of all the members of the council.

Village council may regulate its own proceedings

**106.** Subject to this Part, a village council shall regulate its own proceedings and may, for that purpose make by-laws governing its procedure.

Committees of village council

**107.** A village council may establish such permanent committees, and appoint such special committees, as it may deem necessary or expedient for the efficient and effective discharge of its functions.

**108.**-(1) Where a village council establishes any permanent committee it shall provide for the exercise by that committee of any of the functions of the council.

Delegation of power to committees

(2) A village council may delegate any of its functions and powers to any of its committees subject, however, to the council reviewing from time to time, at regular intervals, the performance and exercise by the committee or committees of the functions and powers delegated pursuant to this section.

**109.** It shall be lawful for a village council to act notwithstanding any vacancy in its membership or that of a committee of the council, and no act or proceeding of a village council shall be invalid by reason only of some defect in the election or appointment of a person who purports to be its member.

vacancies, etc., not to invalidate proceedings

**110.**-(1) The Minister may, after consultation with district councils, make rules for the better carrying out of the purpose and provisions of this Act in relation to local government in villages.

Rules directions and delegation

(2) Rules made under this section may be made generally in relation to all village councils or may be made in relation to any category of village councils or to any particular village council.

(3) Where rules are made in relation to any particular village council or any category of village councils it shall not be necessary for the rules to be published in the *Gazette* if copies of those rules are made available to the village council or village councils in respect of which they are made.

(4) The Minister may, if he considers it necessary in the public interest so to do, give to any village council a direction of a general nature and the council shall give effect to every such direction.

(5) The Minister may, by order under his hand and published in the *Gazette*, delegate any of his functions under this Part to any public officer.

## PART V

### FUNCTIONS AND DUTIES OF LOCAL GOVERNMENT AUTHORITIES

#### *Basic Functions*

**111.**-(1) It shall be the responsibility of each local government authority, subject to this Act-

General functions of local government authorities

- (a) to maintain and facilitate the maintenance of peace, order and good government within its area of jurisdiction;
- (b) to promote the social welfare and economic well-being of all persons within its area of jurisdiction;
- (c) subject to the national policy and plans for rural and urban development, to further the social and economic development of its area of jurisdiction.

(2) For the purpose of the better execution of its functions, whether done alone or in co-operation and conjunction with any other local government authority or other person or body of persons, and subject to this Act or any other relevant written law, a local government authority shall take all such measures as in its opinion are necessary, desirable, conducive or expedient-

- (a) for the suppression of crime, the maintenance of peace and good order and the protection of public and private property lawfully acquired;
- (b) for the control and improvement of agriculture, trade, commerce and industry;
- (c) for the furtherance and enhancement of the health, education, and the social, cultural and recreational life of the people;
- (d) for the relief of poverty and distress, and for the assistance and amelioration of life for the young, the aged and the disabled or infirm; and
- (e) for the development, mobilization and application of productive forces to the war on poverty, disease and ignorance.

Minister to make regulations conferring specific function

**112.**-(1) For the purpose of ensuring the better performance by local government authorities of their general functions in accordance with the objects, purposes and provisions of this Act, the Minister may subject to section 113, make regulations more particularly specifying the powers and duties to be exercised by any local government authority, or by any category of local government authorities, or by all local government authorities.

(2) The Minister may, for the purposes of more particularly specifying the powers and duties to be exercised or discharged by any local government authority in pursuance of subsection (1) of this section, provide for or require the local government authority or authorities to exercise or discharge any of the powers and duties specified in the First Schedule to this Act.

(3) It shall be the duty of every local government authority in relation to which regulations are made under this section, to exercise the powers and discharge the duties conferred or imposed by the regulations to the best of its ability and resources.

Performance of functions and duties under other written laws

**113.**-(1) Where the regulations required or desired to be made in respect of any local government authority in pursuance of section 112 relate to any service or branch of government for which a Minister other than the Minister is responsible, the regulations in question shall be made by that Minister after consultation with the Minister.

(2) Every local government authority shall have power to do any act or thing in relation to any service or matter which is regulated or provided for by or under any written law or laws for which a Minister other than the Minister is responsible, subject only to compliance by the authority within any administrative directions or legislative procedures issued or prescribed by the Minister or other competent appropriate authority concerned after consultation with, or with the general or specific approval of the Minister.

**114.**-(1) A local government authority may, by agreement, and with the prior approval of the Minister, acquire any land or right over or to the use of any land, within or outside its area of jurisdiction, for the purposes of any of its functions.

Power to acquire land by or for local authorities

(2) For the purposes of any of its functions under this Act or any other written law, any local government authority may, with the prior approval of the Minister-

(a) request the President to exercise the powers to acquire land conferred on him under the Land Acquisition Act, 1967, in respect of any land whether within or outside the area of its jurisdiction;

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No. 47

(b) request the President to exercise the power conferred on him by the Land Ordinance to revoke a right of occupancy in respect of the land concerned.

(3) Where the President agrees to concede to any request made to him under paragraphs (a) or (b) of subsection (2), the purpose in respect of which the local government authority has made the request shall be deemed to be-

(a) a public purpose for the purposes of the Land Acquisition Act, 1967; and

(b) good cause for the revocation of a right of occupancy within the meaning of section 10 of the Land Ordinance.

(4) All expenses and compensation incurred in respect of acquisition of any land by the President or the revocation of any right of occupancy under this section shall be paid by the President; the local government authority concerned shall pay to the President such sum as the President may determine, and the rights in the land so acquired shall be granted to that authority on such terms and conditions as the President may determine.

**115.** Subject to this Act and to any other written law for the time being in force in relation to the acquisition, use and disposition of land, a local government authority may, with the approval of the Minister-

Power to sell let and mortgage land and charge rents

(a) sell, exchange, let, mortgage or charge any land or premises in its ownership or disposition; and

(b) charge rent or fees in respect of the occupation, use or hire of any such land or premises.

Liability of members etc., cap 16 Acts 1970 No. 7 Acts 1974 No 37

**116.**-(1) Without prejudice to the Provisions of section 284A Of the Penal Co&or of the Specified Officers (Recovery of Debts) Act., 1970, or of the Parastatal Employees (Recovery of Debts) Act, 1914 no act or thing done, or omitted to be done, by any member of a district council shall, if done or omitted *bona fide* in the execution or Purported execution of his duties as a member, officer, servant or agent, subject any such person to any action, liability or demand of any kind, subject to subsections (2).

(2) Where in any proceeding a question arises respecting the *bona fides* of any act done in the purported pursuance of the functions of the council, the burden of proving that the act in question was done *bona fide* shall lie on the person alleging that it was so done.

### *Functions and Duties of District Councils*

#### *A.-General Functions and Powers*

Duty to discharge functions

**117.**-(1) It shall be the duty of every district council to discharge the functions conferred upon it as such, and as a local government authority, by this Act or by any other writteen law, and for that purpose, a district council may, within the limits of the functions so conferred either by its own officers or by duly appointed agents, do all such things and acts as are lawful and necessary for the performance of its duties.

(2) Save where the contrary is expressly provided for or appears from the context of the function or duty to be permitted or intended, every function conferred upon a district council shall be exercised in respect of all persons within its area of jurisdiction or the category or description of persons within its area of jurisdiction as are concerned in relation to the function in question.

General function and duties

**118.**-(1) In addition, to the functions and duties conferred or imposed on local government authorities under section 111, it shall be the function of every district council, in relation to its area. Of jurisdiction -'

- (a) "to formulate, co-ordinate and supervise the implementation of all plans of the economic, commercial, industrial and social development.in its area of jurisdiction.
- (b) to monitor and control the performance of the duties and functions of the council by departments of the council and it& its officer and staff
- (c) to ensure the collection and proper utilization of the revenues of the council -



- (d) to make by-laws applicable throughout its area of jurisdiction, and to consider and approve by-laws made by village councils within its area of jurisdiction;
- (e) to consider, regulate and co-ordinate development plans, projects and programmes of villages and township authorities within its area of jurisdiction, so as to ensure the more beneficial development and mobilization of productive forces in the village and township authorities and their application towards-
  - G) the enhancement of productivity;
  - (ii) the acceleration of social and economic development of villages; and
  - (iii) the amelioration of rural life;
- (f) to regulate and monitor the collection and utilization of revenue of village councils and township authorities;
- (g) subject to laws in force, to do all such acts and things as may be done by a people's government at the district level.

(2) In particular, but without prejudice to the generality of subsection (1), and for the better performance of its functions, every district council shall, in relation to its area of jurisdiction, have power to-

- (a) take all necessary measures for the prevention of soil erosion and the protection of crops;
- (b) prohibit or regulate the cultivation of crops or a category of crops;
- (c) prohibit or regulate the cultivation or possession of poisonous or noxious plants, drugs or poisons;
- (d) prohibit or regulate the use of any agricultural land;
- (e) prescribe steps to be taken by the occupier of any agricultural land for the purposes of maintaining and improving its productivity and preserving the fertility of the soil;
- (f) make provision for the prohibition or regulation of livestock husbandry, and may in that behalf-
  - (i) prohibit or regulate the movement of any livestock in or through any area;
  - (ii) prescribe methods of husbandry in relation to the keeping or grazing of any livestock;
  - (iii) restrict the kinds or numbers of livestock which may be kept on any agricultural land;

- (iv) require male stock to be castrated and provide for or restrict the cross-fertilization or breeding of livestock; or
- (v) provide for the licensing, control and destruction of dogs;
- (g) prepare, undertake, regulate and control schemes for improved housing layout and settlement;
- (h) prepare planning schemes and undertake measures required by any law for the time being in force relating to development in the area;
- (i) control the gaining of building minerals such as stone, sand, clay and lime;
- (j) in exercise of its functions as a local education authority under Part III of the National Education Act, 1978-
  - (i) build or facilitate the building, equipping, maintenance and management of regional schools and other educational institutions;
  - (ii) provide for the grant and maintenance of scholarships or bursaries to suitable inhabitants of the area to attend any school or other educational or training institution within or outside the United Republic;
  - (iii) provide for the primary education of children; and
  - (iv) provide for the compulsory attendance at schools of pupils enrolled there;
- (k) require adult residents of the area who occupy agricultural land in accordance with customary law to cultivate that land, and other residents to take measures to acquire and cultivate land subject to the by-laws of the council;
- (l) establish, maintain and control fire brigades, and provide for the control of fires;
- (m) provide for or facilitate the licensing or regulation of the activities of persons engaged in, or the premises used for, the manufacture, preparation, handling or sale of articles for use or consumption by man;
- (n) subject to the provisions of this Act or any other written law, establish, preserve, maintain, improve and regulate the use of forests and forest produce;
- (o) prohibit or regulate the hunting, capture, killing or sale of animals or birds or of any specified animal or bird;
- (p) impose requirements as to the sanitation of buildings and the cleanliness of yards or compounds and as to the construction and maintenance of latrines and other sanitary structures;

- (q) prohibit or control the manufacture, possession, sale, transport and consumption of intoxicating liquors;
  - (r) fix days and hours during each day of the week on which markets may be held and prohibit the sale and purchase of goods in markets on any day or at any hour except those fixed;
  - (s) take all measures for the extermination or control of rats, mice and other vermin;
  - (t) regulate and compel the provision, construction, use and repair of privies and receptacles for solid and liquid refuse;
  - (u) prohibit or regulate gambling;
  - (v) prohibit or regulate the carrying of weapons by which bodily hurt can be inflicted;
  - (w) provide for the control, regulation, inspection, supervision and licensing of-
    - (i) social halls, dance halls and other places of entertainment;
    - (ii) lodging and eating houses;
    - (iii) any premises in which any trade or business is carried on;
  - (x) take measures for the prevention or removal of damage to and for the prevention, removal and disposal of obstruction to roads, streets, thoroughfares and open spaces;
  - (y) prohibit or control noxious or offensive trades;
  - (z) license, regulate or supervise in any other way such trades and occupations as the Minister may, from time to time, by notice in the Gazette, prescribe;
  - (aa) prohibit or regulate the removal or protect in any other way against the removal or destruction, of works of art of local origin;
  - (bb) regulate the housing of persons by their employers;
  - (cc) charge fees for any service or facility provided by the council, under this Act;
  - (dd) prescribe the duties-of any person employed by the council or acting as its agents in connection with any of its functions.
- (3) The function specified in paragraph (x) of subsection (2) shall, in relation to the removal and disposal of obstructions-

- (a) include the power to-
  - (i) recover from the owner of the thing causing the obstruction any expense incurred by the authority in such removal;
  - (ii) sell or otherwise dispose of the thing causing the obstruction and thereby to extinguish any right or title to it which previously vested in any person; and
- (b) be exercised in accordance with the provisions of regulations made under section 7.
- (b) be exercised in accordance with the provisions of regulations made under section 112.
- (4) Any district council may perform any of the functions specified in the First Schedule to this Act.

Performance of functions delegated to district council

**119.** Any district council may perform any functions lawfully delegated to it by the central Government, another district council or local government authority or body within Mainland Tanzania, whether or not it is a body corporate.

Delegation of function

**120.-(1)** In addition to the powers of delegation conferred by Part IV of this Act, a district council may with the approval of the proper officer and the concurrence of the township authority, village council or other local government body concerned, delegate with or without restriction any of its functions under this Act to a township authority, village council or other local government body within its area of jurisdiction specified in the resolution delegating such functions; but a district council shall not delegate any of its executive or legislative functions in relation to its area of jurisdiction.

(2) Where any functions are delegated under this section, the township authority, village council or other local government body concerned, as the case may be, to which the delegation is made shall, in the discharge of those functions, act as agents for the district council.

#### *B:- Duties and Discharge of Duties*

-Duties of Directors in respect of offences

**121.-(1)** Without prejudice to the generality of section 117, a Director shall-

- (a) on receiving information that any person, being a person in respect of whom the functions of the council are exercisable, has committed an offence for which he may be arrested without a warrant or a warrant of arrest has been issued in respect of that person shall cause that person to be arrested and forthwith taken before a magistrate of a court having jurisdiction over that person;

(b) on receiving information that property of any description which has been stolen, whether within or outwith the area of the district council, is within that area, shall cause that property to be seized and detained pending the order of the magistrate having jurisdiction in the matter and shall forthwith report the seizure and detention to that magistrate.

(2) For the purpose of any of the powers of arrest conferred by this section, a Director shall have and may exercise and perform all the powers and duties which are by law conferred or imposed upon police officers.

**122.**-(1) Without prejudice to the generality of sections 117 and 121, a Director may require any person in respect of whom the functions of the council are exercisable to appear before him for any of the purposes of this Act, and it shall be the duty of every such person when so directed to attend before the Director.

Duty of persons to appear before Director

(2) Any person who, when lawfully required to attend before the Director pursuant to subsection (1), without reasonable excuse neglects, refuses or fails to attend as and when directed, shall be guilty of an offence against this Act and, without prejudice to any proceedings which may be instituted against him for it, may be arrested by or under order of and taken before the Director.

(3) Any person acting on and in accordance with instructions lawfully given by a Director pursuant to this section shall be deemed to be empowered to do all that may reasonably be necessary to give effect to those instructions.

**123.** The courts which shall have jurisdiction in relation to the area of a district council for the purposes of this Act shall be such competent courts as are or may be established by or under the written law for the time being relating to the establishment and powers of Magistrates' and other courts of Mainland Tanzania.

The Court

**124.** A district council may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area or any part of it, and may execute any works, including works of maintenance and improvement, incidental or consequential on the exercise of the powers conferred by this section.

Power to accept gifts

**125.**-(1) A district council may enter into any contract necessary or desirable for the discharge of any of its functions under Act, subject to subsection (2).

Power to contract

(2) No district council shall, without the prior approval of the proper officer, enter into any contract of a value exceeding such amount as may be prescribed in respect of that council by the proper officer.

(3) Any contract made by a district council shall be made in accordance with the standing orders of the council or, if no provision in them relates to the making of contracts, in accordance with the directions of the Minister or of the proper officer, and, in the case of contracts for the supply of goods and materials or for execution of works to the value of twenty thousand or more shillings, the standing orders or the directions shall-

- (a) require that notice of the intention of the council to enter into the contract shall be published and tenders invited; and
- (b) regulate the manner in which the notice shall be published and tenders given;

but a district council may, with the consent of the proper officer, lawfully enter into a contract without publishing any notice of the intention to enter into it in accordance with the requirements of its standing orders.

(4) A person entering into a contract with an authority shall not be bound to inquire whether the entering by the council into the intended contract complies with the standing orders of the council or with the directions of the Minister or the proper officer, and all contracts entered into by a district council, if otherwise valid, notwithstanding the standing orders or directions have not been complied with or that the approval of the proper officer has not been obtained.

Power to,  
insure

**126.** A district council may insure against risks of any type.

Power to  
write off  
arrears of  
revenue, cash  
and stores

**127.**-(1) Subject to subsection (2), a district council may, from time to time, by resolution authorize the writing off as an irrecoverable debt in regard to which no further proceedings need be taken, of any sum due or payable to the council from or by any person on the ground of the apparent irreparable poverty of that person or for other sufficient cause.

(2) No sum shall be written off by a district council as an irrecoverable debt without the prior approval of the proper officer, if it exceeds in any one case such amount as may be prescribed by the proper officer in respect of that council or if by so writing it off, the total sum written off by that council in that financial year would exceed such amount as may be prescribed by the proper officer in respect of that district council.

(3) Subject to subsection (4), a district council may, from time to time, by resolution, authorize the writing off of deficiencies of cash or stores.

(4) No deficiency shall be written off by any council without the prior approval of the proper officer if it exceeds in value any amount which may be prescribed by the proper officer for that

council or if, by so writing it off, the total value of the deficiencies written off by that council in that financial year would exceed any amount which may be prescribed by the proper officer in respect of that council.

**128.**-(1) Subject to this Act and to any other written law, a district council may charge fees for any service or facility provided by it or for any licence or permit issued by the council under the provisions of this Act or any rules or by-laws made by the council under this Act.

Power to charge fees

(2) Subject to the prior approval of the proper officer, a district council may for good cause authorize the remission of any fees or other charges imposed under the provisions of this Act or any rules or by-laws made by or in respect of the council under this Act.

**129.** The Minister shall have power to take all measures which in his opinion are necessary, desirable or expedient for the enforcement of the performance by every district council of the functions conferred and the duties imposed on it by or under this Act; and may for that purpose invoke any of the powers vested in him by the provisions of Part VII of this Act, subject to the other provisions of this Act or any other written law.

Power to enforce performance of functions

**130.**-(1) Notwithstanding the generality of the powers conferred on the Minister by section 129, he shall, before taking any measure which is punitive or censorial in nature against a district council or any member or officer of it as a consequence upon the failing or being caused to fail to satisfactorily perform its functions under this Act, cause an inquiry to be conducted into the matter.

Inquiries relating to performance of functions

(2) Without prejudice to the generality of the discretion of the Minister in the exercise of his power under this section, the Minister shall order an inquiry to be conducted into the affairs of a district council before taking any measure of the nature referred to in subsection (1)-

- (a) where a new scheme proposed by a district council and requiring the approval of the Minister arouses serious local opposition or administrative doubts-
- (b) where the Minister is not fully convinced that a district council is conducting all its affairs satisfactorily;
- (c) where it is necessary that muted disputes or dissatisfaction about local administration be properly and fully aired;
- (d) where it is proposed that changes be made in the boundaries of a district council or councils or any area within its jurisdiction, so as to satisfy himself that there is among the inhabitants of and resident in the area concerned a general wish, or concurrence in the proposal, that the intended boundary variations be effected.

(3) For the purposes of an inquiry ordered to be made under this section, the Minister may appoint a person or a committee of persons to Conduct the inquiry and to report to him the findings of their inquiry; and any such person or committee of persons shall have and exercise such powers and enjoy all rights which are vested in a commission of inquiry constituted under the provisions of the Commissions of Inquiry Ordinance.

*Functions and Duties of Township Authorities*

Duty to discharge functions

**131.**-(1) it shall be the duty of every township authority to discharge the functions conferred upon it as such, and as a local government authority, by this Act or by any other written laws and for that purpose, a township authority may, within the limits of the functions so conferred, either by its own officers or by duly appointed agents, do all such things and acts as are lawful and necessary for the performance of its duties.

(2) Save where the contrary is expressly provided for or appears from the context of the function or duty to be permitted or intended, every function conferred upon a township authority shall be exercised in respect of all persons within its area of jurisdiction or the category or description of persons within its area of jurisdiction as are concerned in relation to the function in question.

General functions and duties

**132.**-(1) in addition to the basic functions and duties conferred or imposed on local government authorities under this Part, and subject to subsection (2) and (3), a township authority may exercise all or any of the functions specified in the Second Schedule to this Act in relation to its area of jurisdiction.

(2) The Minister may, in relation to any particular township authority, by order published in the *Gazette*, exclude or restrict the exercise of any of the functions specified under subsection (1).

(3) The Minister may, by order published in the *Gazette*, supplement, revoke, vary or amend the Second Schedule.

Performance of functions delegated to township authority

**133.** Any township authority may perform any functions lawfully delegated to it by a district council, or act as agent for another township authority or other local government authority or body within Mainland Tanzania, whether or not it is a body corporate.

Power to accept gifts

**134.** Any township authority may accept, hold and administer any gift of property for any public purpose or for the benefit of the inhabitants of the area or any part of it, and may execute any works, including works of maintenance and improvement, incidental to or consequential upon the exercise of the powers conferred by this section.



**135.**-(1) Subject to subsection (2), a township authority may enter into any contract which is necessary for, the discharge of any of its functions. Power to contract

(2) A township authority shall not, without the prior approval of the proper officer, enter into any contract of a value exceeding an amount which may be prescribed by the proper officer in respect of that township authority.

(3) Any contract made by a township authority shall be made in accordance with the standing orders of that authority or, if no such standing orders exist or no provision in them relates to the making of contracts, in accordance with the directions of the Minister or of the proper officer.

(4) A person entering into a contract with a township authority shall not be bound to enquire whether the entering by the council into the intended contract complies with the standing orders of the council or with the directions of the Minister or the proper officer, and all contracts entered into by a district council, if otherwise valid, shall have full force and effect in relation to the obligations of the council under them, notwithstanding the standing orders or directions not having been complied with or the approval of the proper officer not having been obtained.

**136.** A township authority may insure against risks of any type. Power to insure

**137.** Subject to such general or specific limitations or conditions as the Minister may, by order published in the *Gazette*, specify in relation to any township authority or category of township authorities, section 127 shall apply, *mutatis mutandis* to township authorities in respect of the power to write off arrears of revenue, cash and stores as if references to a district council in that section were references to a township authority. Power to write off arrears of revenue, cash and stores

**138.**-(1) Subject to this Act and to any other relevant written law, a township authority may charge fees for any service or facility provided by it or for any licence or permit issued by the council under this Act or any rules or by-laws made under it by or in respect of the council. Power to charge fees

(2) Subject to the prior approval of the proper officer, a township authority may for good cause authorize the remission of any fees or other charges imposed under this Act or any rules or by-laws made by or in respect of the council under this Act.

**139.** Section 129 shall apply, *mutatis mutandis*; .to township authorities in respect of the power of the Minister to enforce the performance by township authorities of their functions as if reference in that section to district council were reference to a township authority. Power to enforce discharge of functions and duties

Inquiries into performance of functions duties

**140.** The Minister shall have in respect of inquiries into the performance of functions and other matters in relation to township authorities the same duty and the same powers as he has in relation to district councils under section 130.

*Functions of Village Government Organs*

Function of village assembly

**141.** A village assembly is the supreme authority on all matters of general policy-making in relation to the affairs of the village as such, and shall be responsible for the election of the village council and the removal from the council of any or all of the members of the council, and for the performance of any other functions conferred upon it by or under this Act or any other written law.

Functions of village council

**142.**-(1) A village council is the organ in which is vested all executive power in respect of all the affairs and business of a village.

(2) In addition to any functions conferred upon it by or under this Act or any other written law, a village council shall-

- (a) do all such acts and things as are necessary or expedient for the economic and social development of the village;
- (b) initiate and undertake any task, venture or enterprise designed to ensure the welfare and well being of the residents of the village;
- (c) plan and co-ordinate the activities of and render assistance and advice to the residents of the village engaged in agricultural, horticultural, forestry or other activity or industry of any kind;
- (d) encourage the residents of the village in undertaking and participating in communal enterprises;
- (e) to participate, by way of partnership or any other way, in economic enterprises with other village councils.

(3) For the purposes of this Part, a village council shall have the power to do all such acts and things as appear to it to be necessary, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge.

Village to undertake co-operative venture

**143.** Subject to the provisions of the Co-operative Societies Act, 1982, a village council shall as far as is possible and advantageous, and taking into account the resources available to it, facilitate the undertaking by the residents of the village, ventures which are of a co-operative nature or encourage or promote the development and enhancement of the spirit of ujamaa in economic and other public enterprises.

144.-(1) Where the President is satisfied that for the proper and efficient administration or management of the affairs of a village, or of the conduct of the affairs of its residents, or for the political, economic or social development of a village, it is necessary or desirable that the village council of that village enjoy, in relation to the village or its residents, any power (including any judicial; quasi judicial or administrative power) which is by any other written law conferred upon any authority or person, whether generally or in relation to any specified area (whether or not that specified area includes the village) or in relation to any group of persons or specified matter, the President may, subject to this section, by order published in the *Gazette*, provide that subject to such limitations and restrictions as he may in that order specify, the village council or any organ or committee of the village council may exercise such power in relation to the village or its residents, conferred upon the village council or that organ or committee of the village council as may be specified in the order, by that other written law.

President  
may  
transfer  
statutory

(2) Where the President makes an order under subsection (1) conferring upon a village council or upon any organ or committee of a village council any power provided for in any other written law, he shall cause that other written law to be modified by the Assembly to such extent as he may deem necessary for the avoidance of any inconsistency or conflict between the provisions of that other written law and the provisions of the order made under subsection (1), or for providing for an appeal against the decision of the village council or of the organ or committee of the village council in the exercise of such power or for any matter incidental to or connected with the exercise by the village council or the organ or committee of the village council of that power.

(3) For provisions of any order made under subsection (1) shall have the same effect as if those provisions were made by and set out in this Act; but no such order shall come into operation until it has been submitted before and approved by a resolution of the Assembly, and any necessary modifications have been made in the other written law or laws concerned in accordance with subsection (2).

(4) The President may, by order published in the *Gazette*, delegate his power under this section to the Minister or to any other Minister.

(5) An order made under subsection (1) may confer any such power as is referred to in that subsection either to or in relation to village councils generally or to or in relation to any category of village councils or to or in relation to any particular village council specified in the order.

Minister may designate a village as an Ujamaa Village

**145.**-(1) Where in relation to any village the Regional Committee is satisfied that a substantial portion of the economic activities of the village are being undertaken and carried out on a communal basis, the Regional Committee may recommend to the Minister to designate the village as an Ujamaa Village.

(2) Upon receipt of a recommendation under subsection (1), and after such inquiry and investigation as he may consider fit, the Minister may, by order published in the *Gazette*, designate the village as an Ujamaa Village.

Certificate of designation

**146.** Where a village has been designated as an Ujamaa Village the Registrar shall issue to the village council of that village a certificate of designation in such form as the Minister may approve.

## PART VI

### LEGISLATIVE POWERS OF LOCAL GOVERNMENT AUTHORITIES

#### *Legislative Powers of and in Respect of District Councils*

Power of Minister to make uniform by-laws for district councils

**147.** Where in the opinion of the Minister, it is necessary or desirable, for the purposes of the better development and fostering of the system of local government, that-

- (a) a certain by-law not involving any local variation be made by or in respect of all district councils;
- (b) uniform by-laws respecting a specified subject or subjects are needed for all councils or all councils of a certain category,

he may subject to section 149, make the required by-law or by-laws which shall come into operation after publication in the *Gazette*.

Power to district council to make by-laws

**148.**-(1) Every district council may, subject to this Act and to any other relevant written law, and subject to the consent of the Minister, make by-laws designed-

- (a) to promote and secure the good rule and orderly government of its area of jurisdiction;
- (b) to foster and maintain the health, safety and well-being of the inhabitants of its area of jurisdiction; and
- (c) for carrying into effect And for the purposes of any of the functions conferred by or under this Act or any other written law.

(2) Any by-law made by a district council under the provisions of this section shall be read and construed subject to this Act and to the provisions of the Interpretation 'of Laws and General Clauses

Act, 1972, and of any other relevant written law, and nothing in this Act shall be deemed to empower any district council to make any by-law over-riding or derogating from the provisions of any other written law for the time being in force in the United Republic.

Acts, 1972  
No. 30

(3) By-laws made under the provisions of this section may be made to apply to the whole of the area of jurisdiction of a district council or any part of it, and the power to make by-laws conferred by this section shall include power to make different by-laws in respect of different parts of the area of jurisdiction of a district council.

**149.**-(1) No by-laws shall be made by the Minister pursuant to section 147 unless and until the provisions of this section have been complied with.

Procedure  
where Minister  
makes  
uniform by  
laws

(2) Where the Minister proposes to invoke the power conferred by section 147 to make uniform by-laws in respect of all or a category of district councils, he shall, at least two months before making the by-laws, by notice published in the *Gazette* and in any national newspaper or, as the case may be, any newspaper circulating in the area of the district council or category of district councils in respect of which the by-laws are proposed to be made, give notice of his intention, indicating the precise purport of the intended by-laws, and shall call upon all interested district councils affected, and persons within the area of jurisdiction of those councils, to lodge any objections in writing with him in such manner and within such time as may be prescribed; and a council may request to appear before and be heard by the Minister.

(3) Every district council which lodges an objection pursuant to subsection (2) shall, on request made to the Minister, be entitled to appear, before the Minister and make representations further clarifying its objection, and the Minister shall not make or apply the proposed by-laws to that district council if its objection is upheld by him or until after the reasons for the rejection of its objection have been furnished in writing to that district council or its representative.

(4) if, upon the expiration of the notice, no objections or representations are received from any district council or councils in the category of district councils concerned, or no district council raising an objection satisfies the Minister that special provision should be made for that council in the proposed by-laws or that it should be excluded from their application or any of their provisions, the Minister shall proceed to make the by-laws as intended, which shall come into operation upon publication in the *Gazette* or any date specified in the by-laws.

Procedure  
where dis-  
trict council  
makes by-laws

**150.**-(1) Subject to the following provisions of this section,

Where a district council proposes to make any by-laws, give notice to the inhabitants of the area of its intention, in such manner as may most probably ensure that the notice shall come to the notice of all persons likely to be affected by the by-laws proposed, and calling upon all interested persons within the area to lodge any objections or representations in writing with the council within such time as may be prescribed.

(2) If, upon the expiration of the notice, no objections or representations are received, or no person raising an objection satisfies the council that there is no need for the by-laws proposed, the district council shall proceed to make the by-laws, taking into account any other kind of objections or representations made.

(3) After the by-laws have been made by a district council they shall be lodged with the Regional Commissioner for the region in which the council is situated for approval or comment by him; and the Regional Commissioner shall as soon as practicable comment upon the by-laws and then submit them to the Minister for his consent.,

(4) The Minister may consent, or give or withhold his consent on such conditions as he may specify, to any by-laws submitted to him and may, upon the date of giving his consent, fix the date for the coming into operation of those by-laws.

(5) Before approving any by-law or any amendment to any by-law which affects the natural resources of the Ngorongoro Conservation Area, or of any range development area declared by or under the Range Development and Management Act, 1964, the Minister shall consult the Minister for the time being responsible for the conservation of the natural resources of that area or the Minister for the time being responsible for animal husbandry as the case may be, and in the event of any conflict between the by-law or any rule or order made under the Ngorongoro Conservation Area Ordinance or that other Act, the provisions of that rule or order shall prevail.

Cap. 569

Cap. 413

Evidence of  
by-laws made  
by district  
council

**151.**-(1) Subject to subsection (2), a copy of a by-law purporting to be made by a district council upon which is endorsed a certificate purporting to be signed by the Chairman or other officer of the council in that behalf, stating-

(a) that the by-law was made and published by the district council in the manner required by this Act;

(b) that the copy is a true copy of the by-law;

(c) that on a specified date the by-law was duly approved by the Minister and came into operation on a specified date,

shall be admitted in evidence in any court without further proof, and the certificate shall be evidence of the facts stated in it without further proof, and without proof of the handwriting or official position of the persons purporting to sign the certificate.

(2) The provisions of this section shall not be construed as derogating from any provisions of the Evidence Act, 1967, operating to permit a court to take cognizance of any by-law without its due making being established by evidence.

Acts, 1967  
No. 16

(3) A. district council may, in the by-laws it makes, annex to the breach of any by-law or any order made under it such fine, not exceeding five thousand shillings or such term of imprisonment not exceeding twelve months or both that fine and imprisonment as it may deem fit and may, subject to the preceding limitations, annex different fines and different terms of imprisonment for successive or continuous breaches of any by-law.

**152.**-(1) Any by-laws made under this Part may prescribe reasonable fees, charges and tariffs in relation to any act to be done or any licence, permit or other instrument or document granted or issued under them, and may require acts or things to be performed or done to the satisfaction of a prescribed person, and may empower a prescribed person to issue Orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which, such acts or things shall be performed or done or the conditions shall be fulfilled.

By-laws may  
impose special  
conditions

(2) Any by-law made under this Act may confer upon a district council or other authority and its officers and servants, such powers of inspection, inquiry and execution of works as may be reasonably necessary for the proper carrying out of its enforcement.

(3) Where any person is convicted of failing to comply with, or contravening, any conditions subject to which a licence or permit has been granted to him under the provisions of any by-law made under the provisions of this Act, the court may, in addition to, or in substitution for, any penalty prescribed by that by-law, cancel the licence or permit in respect of which the offence has been committed.

**153.** Any by-law may provide that in addition to any penalty, any expense incurred by the district council in consequence of any breach of that by-law or in the execution of any work directed by that by-law to be executed shall be said by the person committing the breach or failing to execute the work and may be recoverable summarily as a civil debt.

Penalties  
for breach  
of by laws

**154.** Every Divisional Secretary and every Ward Secretary shall have power to enforce all by-laws within the area under his jurisdiction.

Power of  
Divisional  
and ward  
Secretaries  
to enforce  
by laws

*Legislative Power of and in respect of Township Authorities*

Power of township authority to make by-laws

155.-(1) Every township authority may, subject to this Act and to any other relevant written law, and subject to the approval of the district council in whose area of jurisdiction it is situated and the consent of the proper officer, make by-laws for the carrying into effect and for the purposes of any function conferred on it by virtue of this Act or other written law

(2) Any by-law made by a township authority under this section shall be read and, construed subject to this Act and to any other written law, and, nothing in this Act shall be deemed to empower any township authority to make any by-law over-riding or derogating from the provisions of any other written law for the time being in force in the area, or inconsistent with any by-law made by a district council and for the time being in force in relation to that township authority.

(3) By-laws, made under this section may be made to apply to the whole of the area of jurisdiction of a township authority or any part of it, and, the power to make by-laws conferred by this section shall include power to make different by-laws in respect of different parts of the area of jurisdiction of a township authority.

Procedure where township authority makes by-laws

156-(I) Subject to the following provisions of this section, where a township authority proposes to make any by-laws it shall, at least two weeks before the meeting of the authority, at which it is proposed to consider the by-laws, give notice to the inhabitants of the area of its jurisdiction of its intention, in such manner as may most probably bring the notice to the attention of all persons likely to be affected by the by-laws, indicating the precise purport of the by-laws proposed, and calling upon all interested persons within the area, to lodge any objections or representations in writing with the council within such time as may be prescribed.

(2) if upon the expiration of the notice, or not less than three clear days before the authority meeting at which it is intended to clear days before the authority meeting no objections or representation are received or no persons raising an objection satisfied authority that there is no need for the by-laws to be made the council shall proceed to make the by-laws proposed, taking into account any other kind, of objections or representations, made.,

,"(3) After the by-laws have been made by a township Authority they shall lodged -with the district council in which the township authority is situated for., approval or comment by it; and the district council shall soon as practicable approve or comment upon the by-laws and then submit them to the proper officer for his consent.

(4) The proper officer may consent, or give or withhold his consent on such conditions as he may specify, to any by-laws submitted to him and may, upon the date of giving his consent, fix the date for the coming into operation of those by laws



**157.** Where in, the Opinion of the Minister, it is necessary or desirable for the purposes of the better development and fostering of the system of local government in township authorities that-

- (a) a certain by-law not involving any local variation be made by or in

... respecting a specific subject or specific subjects are needed for all authorities of a certain category; he may, subject to section 158, make the required by-laws which shall come into operation upon publication in the *Gazette* or on such date as may be specified in the, by-laws.

**158.**-(1) No by-laws shall be made by the Minister pursuant to section 157 unless and until the provisions of this section have been complied with.

(2) Where the Minister proposes to invoke the power conferred by section 157 to make uniform by-laws in respect of all or a category of township authorities, he shall, at least two months before making the by-laws by notice published in the *Gazette* and in any national newspaper or, as the case may be, any newspaper circulating in the area of the township authorities or category of township authorities in respect of which the by-laws are proposed to be made, give notice of his intention, indicating the precise purport of the intended by laws, and shall call upon all interested township authorities affected, and persons within the area of jurisdiction of those township authorities, to lodge any objections in writing with him in such manner and within such time as may be prescribed; and a township authority may request that it be permitted to appear and be heard by the Minister.

(3) Every township authority which lodges an objection pursuant to subsection (2) shall, on request made to the Minister, be entitled to appear, by representatives, before the Minister and make representations further clarifying its objections and the by-law shall not be made if its objection is upheld or until after the reasons for the rejection of any of its objections have been furnished in writing to the township authority or its representative.

(4) It, upon the expiration of the notice, no objections or representations have been received from any township authority or any authority in the category of the township authority concerned, or not township authority raising an objection satisfies the Minister that special provision should be made for the authority in the proposed by-laws or that it should be excluded from their application any authority in the category of the township authority concerned, or no township authority raising an objection satisfies the Minister that special provision should be made for that authority in the Proposed by-laws or that it should be excluded from their application or any of their provisions, the Minister shall proceed to make the by-laws as intended, which shall come into operation upon publication in the *Gazette* or on a date specified in the by-laws.

Power of  
Minister to  
make uniform  
by-laws

Procedure  
where Minis-  
ter makes  
uniform by-  
laws

By-laws may  
imposed spe-  
cial conditions

**159.**-(1) Any by-laws made under this Part may prescribe reasonable fees, charges and tariffs in relation to any act to be done or any licence, permit or other instrument or document to be granted or issued under them, and may require acts or things to be performed or done to the satisfaction of a prescribed person, and may empower a prescribed person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which such acts or things shall be performed or done or the conditions shall be fulfilled.

(2) Any by-law made under this Act may confer upon a township authority or other authority, and its officers and servants, such powers of inspection, inquiry and execution of works as may be reasonably necessary for the proper enforcement of that by-law.

Evidence of  
by-laws made  
by township  
authority

**160.**-(1) Subject to subsection (2), a copy of a by-law purporting to be made by a township authority upon which is endorsed a certificate purporting to be signed by the Chairman or other officer of the council authorized by the township authority in that behalf, stating-

(a) that the by-law was made and published by the township authority in the manner required by this Act;

(b) that the copy is a true copy of the by-laws;

(c) that on a specified date the by-law was duly approved by the proper officer and came into operation on a specified date, shall be admitted in evidence in any court without further proof, and the certificate shall be evidence of the facts stated in it without further proof, and without proof of the handwriting or official position of the person purporting to sign the certificate.

Acts 196  
No. 16

(2) Nothing in this section shall be construed as derogating from any provisions of the Evidence Act, 1967, operating to permit a court to take cognizance of any by-law without its due making being established by production of evidence.

Copy of by-  
laws to be  
deposited  
at officers  
of township  
authority

**161.**-(1) A copy of every by-law made in accordance with this Part shall be kept at the offices of the township authority by whom it was, made, or, as the case may be, in relation to which it is applicable, and shall at all reasonable times be open to inspection by the public free of charge, and a copy of it may be furnished, on application, to any person affected by it on payment of such sum as the township authority may determine.

(2) A township authority shall send a copy of every by-law made by it to every authority exercising jurisdiction in the area of the township and to every township ward committee to which the by-law applies.

(3) Any authority or township ward committee which receives a copy of a by-law under this section shall deposit it at its offices and the copy so deposited, shall be open to inspection by the public free of charge.

**162.** Section 153, which relates to penalties annexable to the breach of by-laws made by a district council, shall apply, *mutatis mutandis*, to by-laws made by township councils as if references to a district council in that section were references to township council.

Penalties for breach of by-laws

*Legislative powers of and in respect of village councils*

**163.** Subject to section 164, and to the provisions of any regulations, directions and delegations made by the Minister pursuant to section 10, a village council may make by-laws for carrying into effect or for the purposes of any of the functions conferred by this Act.

Power of village council to make village by-laws

**164.**-(1) Where a village council proposes to make by-laws it shall convene a meeting of the village assembly and cause the proposals to be considered, and it shall then, at a meeting of its own, consider the proposed by-laws and pass them with or without amendments, account being taken of the view taken by the inhabitants of the village of the proposals at the meeting of the village assembly; and shall then submit the by-laws, together with the minutes of the meeting of the village assembly which considered the proposals, to the district council in whose area of jurisdiction the village is situated for its approval of them.

Procedure for making by-laws

(3) Where a district council to which village by-laws are submitted for approval approves them, the by-laws shall thereby be made and shall come into operation on a date agreed upon by the district council upon the recommendation of the village council concerned.

**165.** The Minister shall exercise in respect of legislation for villages the same powers he has under this Act to make uniform by-laws in respect of district councils and township authorities, and he shall comply with the same procedure in respect of uniform village by-laws as he is, required to do in the case of the other local government authorities, save that, in the case of proposals by the Minister to make any uniform by-laws in respect of villages or a category of villages, the notice of his intention shall be given to a district council and it shall be the district council which may lodge objections or representations to the Minister on behalf of the village or category of villages concerned.

Power of Minister in respect of village legislation

Evidence of  
by-laws made  
by village  
council

**166.** Whenever it becomes necessary to prove the authenticity and validity of any by-law made by a village council, a certificate by the village, secretary under his hand and official seal of the village council to the effect that the by-law was passed and approved by the appropriate authority as required by the provisions of this Part, shall be conclusive evidence of the authenticity and validity of the, by-law or by-laws in question.

Penalties  
for breach  
of village  
by-laws

**167.**-(1) Any by-law, made by or in respect of a village council for any village, may annex to the breach of the by-law such fine not exceeding two thousand shillings as the authority making the by-laws may determine.

(2) No penalty of imprisonment for any term shall be annexed to any breach of any by-law made by or in respect of a village.

(3) Penalties to be affixed to a breach of village by-laws may, apart from a fine, include such measures as may be deemed to be most fitting to be exemplary or deterrent to potential wrongdoers, to ensure the actual redress of the wrong done by the person concerned and to restore balance in the social equilibrium previously disturbed as a result of the offensive act concerned.

## PART VII

### PROVISIONS REGARDING RELATIONSHIP BETWEEN LOCAL AND CENTRAL GOVERNMENT ORGANS AND OFFICERS

Discharge of  
duty of Minister  
under section 4

**168.** For the purposes of discharging the responsibility in relation to local government imposed on him by section 4 of this Act, the Minister may, in addition to all other powers conferred on him by or under this Act-

- (a) subject to the provisions of any written law in that behalf and with the prior approval of the President cause modifications to be made in the development plans of any person or body of persons engaged in activities connected with or affecting the development and growth of local government authorities;
- (b) seek and secure modifications in the educational or training and development plans of any institution so as to facilitate the proper education and training of manpower for the staffing of local government institutions;
- (c) subject to this Act and to any other written law in that behalf, do any other act or thing which in his opinion is designed to or may further the promotion of efficient and democratic local government, having regard at all times to the national interests and the interests of the people of the United Republic.

**169.** Subject to the following provisions of this Part, where the Minister is satisfied'. after due inquiry under this Act, that a local government is unable or has failed to exercise a particular function or all functions conferred upon it by or under this Act, he may transfer the power to perform that or those functions to such other person or body of persons as he may., by order, published in the *Gazette*, specify.

Power of Minister to transfer functions

170, Where any of the functions of a local government authority are transferred to any person or body of persons under this Part, the expenses incurred by that person or body of persons in discharging those functions shall be a debt due from the authority in default to that person or, as the case may be, that body of persons,

Expenses in respect of transferred functions

**171.**-(1) If, after due enquiry, the Minister is satisfied that any local government authority has made default in the performance of any functions conferred or imposed upon it by or under this Act or any other written law for the time being in force, he may make an order, to be published in the *Gazette*, declaring the authority to be in default and may, by the same or any other order-

Power to dissolve authority prematurely

- (a) for the purpose of removing the default, direct the authority to perform such of its functions in such manner and within such time or times as may be specified in the order; or
- (b) transfer to such person or body of persons as he may deem fit such of the functions of the authority in default as may be specified in the order.

(2) If an authority in respect of which an order has been made under subsection (1)(a) fails to comply with any requirement of the order within the time or times specified for the requirement to be complied with, the Minister may make an order under subsection (1)(b).

(3) Where an order made under sub-section (1)(a) involves default in the performance of many or a majority of, or the basic, functions of the authority, the Minister may, by the same or a subsequent order, dissolve or suspend the authority for such time as he may think fit from the performance of such of its functions as may be specified in the order and, where he dissolves the authority he shall specify a date, being not later than six months from the date of dissolution, for the holding of elections to constitute a new authority, or nomination for re-election.

(4) Every order made under this section shall be laid before the Assembly at its next meeting following the making of the order.

(5) Any person or body of persons to whom any of the functions of a local government authority are transferred under this section shall, when performing the functions and in respect of them, be deemed to be that authority for the purposes of this Act, and when so acting shall have all the powers and immunities of that authority, including the power of affixing its official seal.

Power to dis-  
solve councils  
in default

**172.**-(1) Without prejudice to the powers conferred upon him by the preceding provisions of this Part, where the Minister is satisfied that any local authority has failed to comply with any of the provisions of this Act or any other written law, or has conducted its affairs in a manner incompatible with any of the provisions of this Act or any other written law (whether or not such failure or such conduct amounts to default by the authority in the performance of any function conferred or imposed upon the authority by or under this Act or any other written law) he may, by order published in the *Gazette*, dissolve the authority, and may, by the same or a subsequent order, transfer to such person or body of persons as he may think fit all or any of the functions of the authority so dissolved.

(2) Any person or body of persons to whom any of the functions of a local government authority have been transferred under subsection (1) shall, when performing those functions and in respect of them, be deemed to be that of the authority for the purposes of this Act and when so acting shall have all the powers and immunities of that authority, including the power of adhibiting its official seal.

(3) An order made under this section dissolving a local government authority shall not have effect so as to invalidate any act, matter or thing validly done or omitted to be done by the authority or by any person or body of persons on its behalf, and every licence, registration or permit lawfully issued, made or granted by the authority or by any person or body of persons on its behalf, and still in force on the date of dissolution of the authority shall continue in force for the period specified in the licence, registration or permit unless it is sooner lawfully surrendered, forfeited, suspended, revoked or cancelled.

Delegation of  
powers of  
Minister

**173.**-(1) The Minister may, by notice published in the *Gazette*, depute any person by name or by office to exercise or perform on his behalf, subject to such conditions, exceptions and qualifications as may be specified in the notice, any of the powers and duties conferred upon him with respect to local government authorities which he may specify, other than the power conferred by section 4, the power to establish authorities, the power to make any rules or regulations, and give directions to authorities, and the power to dissolve authorities, and upon such delegation or from the date specified in those powers and perform the duties, subject to the said conditions, exceptions or qualifications.

(2) The Minister may similarly revoke any such notice, and may exercise any powers or perform any duties conferred upon him by this Act notwithstanding the delegation by him of those powers or duties.

Supply of  
information

**174.** It shall be the duty of every district authority to furnish the Minister and the proper officer with such information as he may require in relation to his functions under this Act.

## PART VIII

## LEGAL PROCEEDINGS,, NOTICES,, REPEALS AND CONSEQUENTIAL PROVISIONS

*Legal Proceedings, Notices, etc.,*

**175.** Where any matter or thing is directed or prohibited to be done by or under this Act, or where any authority is given by this Act to any person to direct or prohibit any thing or matter to be done, then if the act or thing directed to be done, remains undone or if the prohibited act or thing is done, every person offending against the direction or prohibition shall in every such case be guilty of an offence against this Act or, as the case may be, the subsidiary legislation made under it. Offences

**176.** Subject to this Act, any officer or employee of a local government authority duly authorized in writing in that behalf, may at all reasonable times enter into or upon any land, building, premises or vessel within the area of the authority for the purposes of carrying out any inspection, inquiry or the execution of works under the provisions of this Act or any by-law, regulation, rule or order made by or for the authority. Power of entry

**177.**-(1) Subject to subsection (3), any police officer may arrest without warrant any person who commits any offence against this Act or any by-law or other subsidiary legislation made under it and any Director, Township Executive Officer, Divisional Secretary or Ward Secretary may arrest without warrant any person who commits an offence against any by-law made by a district council. Power of arrest

(2) Subject to the provisions of subsection (3), any officer or employee of a local government authority, in uniform and authorized in writing for the purpose by the Area Commissioner, may arrest without warrant any person who in his presence commits any offence against any by-law of a district or township council under this Act, and may, subject to the directions of the Area Commissioner in question, detain that person for such time as may be reasonably necessary to deliver him before a court to be dealt with according to law.

(3) The powers conferred by subsection (1) and (2) shall only be exercised if the person proposing to arrest or detain any person has reasonable grounds for believing that that person will not attend a court in response to any process issued against him.

**178.** Any person who—

- (a) wilfully obstructs any member of a local government authority or any of its officers or employees in the execution of his duty;

Offence to obstruct

- (b) being the Occupier of any premises prevents the owner of the Premises,, his agent or the person for the: time being receiving rent for the premises from complying with any of the requirements of the authority; .
- (c) being the occupier of any premises, on demand refuses or wilfully omits to disclose or wilfully mis-states the name of the owner of the premises, his agent or the person for the time being \_

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shilling or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.

Penalty for unqualified person sitting or voting

**179.-(1) Any Person who-**

- (a) having been elected or appointed as a member of a local government authority but not having been, at the time when he was elected or appointed, qualified to be so elected or appointed, sits or votes in the authority; or
- (b) sits or votes in an authority after his seat there has become vacant or he has become disqualified from sitting or voting in it,

knowing or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding two hundred shillings for every day upon which he so sits or votes.

(2) Such penalty shall be recoverable by action at the suit of the local government authority concerned.

(3) The Provisions of this section shall not apply in the case of any disqualification from voting arising under the Provisions of this Act regarding the duty of members not to be interested in contracts.

General penalty

**180.** Any person who is guilty of any offence against the provisions, of this Act shall, for every such offence, be liable on conviction for it to the penalty expressly prescribed by this Act and, if 110 Such penalty is prescribed, fine not, exceeding three hundred shillings or to imprisonment for A term not exceeding three month's or to both that fine and imprisonment.

Books to be prima facie evidence of sums due

**181.** The books and registers of any local government authority and any extracts from them certified by the Chairman or other officer authorized in that behalf by the government shall, in any proceedings for the recovery of any amount alleged to, be due to the council be Prima facie evidence of the, amounts so due.



182. Where any offences, against any provision of this Act or any subsidiary legislation made under it committed by a company or partnership, every director, manager, secretary or other person having the management of control, in Mainland Tanzania, of the business or property in the case of a company, and every such person and each partner in the case, of a partnership, shall severally be liable to be prosecuted, and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance; but nothing in this section shall be deemed to exempt from liability any other person guilty of any such offence.

Offence  
by company  
or partner-  
ship

**183.-M** No suit shall be commenced against a local government authority until one month at least after written notice of intention to commence the suit has been served upon the authority by the intending plaintiff or his agent.

Notice of  
unit

(2) The notice served under this section shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

**184.** Nothing in this Act shall prejudice the right of a local government authority to rely upon any written law relating to the limitation of time for bringing proceedings.

Limitation of  
suits against  
authorities

**185.-**(1) Subject to subsection (2), the notice referred to in section 183 and any summons, notice or other documents required or authorized to be served on an authority shall be served by delivering it to, or by sending it by registered post addressed to the Chairman or the chief executive officer of the authority at the principal office of that authority.

Mode of ser-  
vice on  
authority

(2) The court may with regard to any particular suit or document order service on the authority to be effected otherwise, and in that case service shall be effected in accordance with the terms of the order

**186.** Save as is otherwise expressly provided, any person accused of an offence against this Act or any subsidiary legislation made under it may be tried by any court of competent jurisdiction.

Trial of per-  
sons

**187.** No court shall be precluded from trying an offence under this Act by reason only that the offence, if committed, was a breach of an order, resolution, by-law or rule issued or made, by a member or members of the court as a member or members of a local government authority, or by reason only of the fact that the proceeding have been instituted, by or on behalf of, any member or officer of or agent for an authority.

Preservation  
of jurisdiction  
of courts

Appeals	<b>188.</b> All appeals by or against a local government authority shall, depending on the court-of original jurisdiction in any particular matter, be brought before and heard by a competent court exercising appellate jurisdiction.
Description of property	<b>189.</b> Wherever in any criminal process or proceeding it is necessary to refer to the ownership or description of property belonging to or under the management of a local government authority, the property may be described as the property of the authority.
Burden of proof as to who occupies is	<b>190.</b> If for any purpose or in any proceeding under this Act, a question arises as to whether any person is or is not the occupier of any tenement or building, the burden of proof that such person is not the occupier of the tenement or building shall be on the person who alleges that that person is not the occupier, and that person shall be deemed to be the occupier unless the contrary is shown.
Name of authority, etc., need not be proved	<b>191.</b> In any proceedings instituted by or on behalf of a local government authority it shall not be necessary to prove the corporate name or name of the authority or the constitution or the limits of its area.
Service of notice by authority	<p><b>192.-(1)</b> Subject to the section, any notice, order or other document required or authorized by this or any other Act to be served by or on behalf of a local government authority, or by an officer of the authority, on any person shall be deemed to be duly served-</p> <p>(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place -of business, and is either-</p> <p style="padding-left: 40px;">(i) sent by registered post; or</p> <p style="padding-left: 40px;">(ii) delivered at the registered office, or at the principal office or place of business, of the company;</p> <p>(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or the style under which its business is carried on, and is either-</p> <p style="padding-left: 40px;">(i) sent by registered post; or</p> <p style="padding-left: 40px;">(ii) delivered at that office;</p> <p>(c) where the person to be served is a public body, a local government authority, or a corporation, society or other body, if the document is addressed to the clerk, chief executive officer, president, secretary, treasurer or other principal officer of that body or authority, corporation or society at its principal office and is either-</p> <p style="padding-left: 40px;">(i) sent by registered post; or</p> <p style="padding-left: 40px;">(ii) delivered at that office;</p>

(d) in any other case, if the document is addressed to the person to be served, and is either sent to him by registered post or delivered at his residence or place of business.

(2) Any document which is required or authorized to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier", as the case may be, of those Premises, naming them, without further name or description, and shall be deemed to be duly served-

(a) if the document so addressed is sent or delivered in accordance with paragraph (d) of subsection (1); or

(b) if the document so addressed or a copy of it so addressed is affixed to some conspicuous part of the Premises.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to have been served on each partner.

(4) For the Purposes of enabling any document to be served on the owner of any Premises, his agent or the person for the time being receiving rent for the Premises, the local government authority may require the Occupier of the Premises to state the name and address of their owner, his agent or the person for the time being receiving rent for the Premises.

**193.**-(1) Subject to the Provisions of this Act, every by-law, order, notice or other document requiring authentication by a district authority shall be deemed to be sufficiently authenticated without the seal of the authority if signed by two members of the authority or by the chief executive officer of the authority or by any officer of the authority duly authorized in that behalf by any resolution of the authority; save that the authority shall cause at least one copy of every by-law made by it to be authenticated by the Official seal of the authority and deposited in the offices of the authority.

Service of  
notice by  
Authority

(2) Every instrument or deed shall be executed by a district authority under its official seal. Any contract or other document shall be deemed to be duly executed by or on behalf of an authority if signed by the Chairman or the Vice-Chairman and by an officer of the authority duly authorized in that behalf by a resolution of the authority.

(3) Any document purporting to be a document duly authenticated or executed by or on behalf of a local government authority shall, unless the contrary is proved, be deemed to be a document so executed or authenticated.

**194.**-(1) Subject to subsection (2), and 'save as otherwise expressly Provided in this Act or any other written law, the publication of any by-law, order, notice or Other document required by this Act to be published shall be deemed to be duly made-

Publication  
of notices,  
etc

- (a) if it is published in the *Gazette*; or
- (b) if it is fixed for a reasonable time in some conspicuous place on or near the outer door of the office of the authority during office hours or is made known in such other manner as is customary in the area of the authority.

(2) Nothing in this section shall be construed as authorizing the publication of any rules or regulations made under this Act otherwise than in the *Gazette*.

#### *Final Provisions*

- ~ Repeals  
Cap 333  
Cap 363  
Acts 1976  
No. 25
- 195.** The following written laws are hereby repealed, namely-
- (a) the Local Government Ordinance;
  - (b) the Local Government Authorities (Application of Laws) Ordinance; and
  - (c) the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975.

Savings

**196.** Notwithstanding the repeal of the various written laws specified in section 195, and unless there is, in any particular case, in this Act any express provision to the contrary-

- (a) no right, obligation or other entitlement of any person or body which was extinguished by the enactment and application of the Decentralisation Act shall be revived for the reason only of the establishment by this Act of a district authority by the name or style of an authority previously existing in the area formerly of the authority dissolved under the Decentralization Act;
- (b) all officers and staff appointed to hold offices under any of the laws repealed and whose appointments are in force immediately before the commencement of this Act, shall, unless their offices are abolished by virtue of this Act or until their appointments are terminated or new officers are appointed in their places, continue to serve in those offices and shall, for that purpose, be deemed to be serving in those offices in pursuance of this Act;
- (c) all licences, permits, authorisations and other instruments or documents granted or given by a District Development Council shall so long as they subsist on the date of commencement of this Act, continue in full force and effect until they expire, cease to have effect or are replaced by new ones issued or granted under this Act;

- (d) all proceedings pending in court by or against any District Development Council shall be continued and completed against the district authority established in the area formerly of the jurisdiction of that Council, but no, financial liability shall lie against the district. authority as a result of those proceedings save in accordance with the provisions of the Local Government, Finances Act, 1982, relating to the disposition, of liabilities of District Development Councils after the commencement of this Act;
- (e) all subsidiary legislation made prior to the commencement of this Act in relation to the area of a local government authority by a District Development Council shall remain effective and in force in the area of the authority for a period not exceeding twelve months from the commencement unless it is sooner amended, revoked or replaced by legislation made under this Act, and may be enforced by the new local government authority as if it were subsidiary legislation made by itself.

Acts, 1982  
No. 9

**197.**-(1) The provisions of the laws specified in the first and second columns of the Third Schedule to this Act are hereby amended in the manner specified in the third column of that Schedule.

consequ-  
ential  
provisions

(2) The Minister may, by notice published in the *Gazette*, at any time before the expiry of twelve months from the commencement of this Act, make such consequential, transitional or supplementary provisions as he may consider necessary consequent upon the enactment of this Act and the repeal and amendment of the other written laws connected with the performance of functions of local government authorities or facilitating the smooth and effective assumption by the new local government, authorities of their functions under this Act.

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FIRST SCHEDULE -(Section 11 8 (4))

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*Functions Which District Councils May Perform*

Any district council may-

- (1) provide services for the improvement of agriculture;
- (2) control or prescribe the methods of husbandry respect of any agricultural land
- (3) require the taking of such measure as may be necessary for the preservation of harvested, crops;
- (4) suppress or control animal or insert pests or plant pests, noxious weeds or plant diseases;

- (5) declare any area of land to be reserved for the purpose of reconditioning, whether by artificial measures or natural regeneration
  - planting with fodder plants and prohibit, control or regulate the use of such area;
- (6) provide services for the improvement of livestock;
- (7) build, equip and let shops and dwelling houses;
- (8) prohibit, restrict or regulate the construction, alteration, alignment and elevation of all buildings and other structures and of parts thereof, and compel the demolition, removal, repair or rendering safe of any building, structure or part thereof which, in the opinion of the authority is dangerous or unfit for occupation for structural or sanitary reasons or which otherwise constitutes a nuisance and for the, doing of any such work as aforesaid at the cost of the owner or occupier and for recovering such costs;
- (9) provide for building lines and the lay-out of buildings;
- (10) regulate the amount of space to be allowed in and about buildings for securing the proper ventilation thereof and the free circulation air;
- (11) regulate the closing of buildings or parts of buildings unfit for human habitation;
- (12) erect and maintain houses for occupation by such persons as the authority shall decide;
- (13) make advances upon such conditions as shall be thought fit for the purpose of enabling the inhabitants of the area to build or to buy dwelling houses;
- (14) prescribe the conditions to be satisfied by a site for any building or for any class of buildings;
- (15) prohibit the construction of any new building unless and until the plans thereof have been submitted to and approved by the authority;
- (16) prohibit or regulate the use in any defined area of any inflammable material in the construction or repair of any building;
- (17) establish, erect, equip and maintain social or welfare centers, public libraries and cinemas;
- (18) establish, erect, equip and maintain communal feeding centres and canteens for the supply of food and drink, including intoxicating liquors;
- (19) make grants of money towards the establishment and maintenance of libraries and museums;
- (20) acquire, hire, erect and maintain such offices and buildings as may be required for the purposes of the authority;
- (21) prohibit or regulate the making of burrow pits or other excavations;
- (22) require the proper conveyance, burial or cremation of deceased persons in cemeteries or otherwise;
- (23) conduct funerals;
- (24) establish, maintain and control burial and cremation grounds;
- (25) grant sums of money towards the establishment, equipment or maintenance of schools and educational institutions;
- (26) grant and maintain scholarships or bursaries to suitable inhabitants of the area to attend any school or other educational institution in Tanganyika or elsewhere;
- (27) provide services and prescribe steps to be taken for the prevention, control or relief of famine, including relief works, the provision of seed, the acquisition, whether by purchase or compulsory deposit, of foodstuffs for storage, the storage of such foodstuffs and the control of movement of persons, whether or the purposes of feeding them or otherwise, and any other measure necessary for the purpose;
- (28) establish, maintain and control fire brigades;
- (29) establish, erect, maintain and control premises for the inspection, treatment, storage, sale and distribution of articles of food;
- (30) regulate or control the production and sale of milk and milk products;
- (31) provide services for the purchase, processing and sale of milk and milk products;
- (32) establish, maintain and regulate premises for the drying, cleaning and storing of hides and skins;

**FIRST SCHEDULE** -(contd.)

- (33) regulate or control the drying, cleaning and storage of hides and skins;
- (34) establish, regulate and control markets, regulate and control trade therein, construct market buildings, and let stands or plots in such markets;
- (35) prohibit, regulate or control trade otherwise than at established markets;
- (36) regulate and control the fixing of and collection of stallages, rent and tolls in markets;
- (37) take measures for the prevention and abatement, of nuisances, including such as arising outside the area cause annoyance, danger or injury to health within the area;
- (38) secure the destruction of locusts in any stage of development;
- (39) exterminate and prevent the spread of tsetse fly, mosquitoes, bugs and other insects;
- (40) establish, erect, maintain and control centres for the inspection and storage of produce;
- (41) regulate or control the inspection, movement and storage of produce;
- (42) safeguard and promote public health including the prevention of and the dealing with any outbreak or the prevalence of any disease;
- (43) control the residence and movement of persons in order to prevent or check the spread of sleeping sickness or other communicable disease;
- (44) build, equip and maintain, Or grant sums of money towards the establishment, equipment or maintenance of hospitals, health centres, maternity clinics, dispensaries, asylums for the aged, destitute or infirm or for orphans, or institutions for lepers;
- (45) establish and operate ambulance services;
- (46) establish, install, build, maintain and control drains, latrines, public lavatories, baths and wash places;
- 147) establish, maintain, operate and control drainage and sewerage works;
- (48) regulate the washing of clothes in public places within the area;
- (49) establish, maintain and carry out service for the removal and destruction of and otherwise dealing with night soil and all kinds of refuse;
- (50) establish, erect, maintain and control disinfecting stations;
- (51) prohibit the possession, conveyance, handling, sale or offering for sale, and provide for the destruction when deemed necessary of diseased animals or carcasses or of any article of food or drink which is diseased or unfit for human consumption;
- (52) control the movement of beggars in streets and public places;
- (53) require persons to carry lights during certain hours in certain areas;
- (54) suppress brothels and disorderly houses and take measures to prevent prostitution;
- (55) provide for the return of 'destitute persons to their homes;
- (56) prohibit, regulate and control meetings, processions, dances, beer parties and other assemblies;
- (57) regulate and control public collection of money in streets and other public places within the area';
- (58) prohibit, regulate and control the use of firearms;
- (59) prohibit any actor conduct which in the opinion of the authority is likely to cause a riot or any disturbance or breach of the peace;
- (60) prohibit, restrict, regulate or license tribal dances;
- (61) establish, control and manage recreation grounds, open spaces and parks
- (62) erect, supply and maintain buildings and equipment for recreational purposes;
- (63) establish, maintain and control camping grounds and outpans;
- (64) regulate the upkeep of parks, gardens, recreation grounds and other public places;

## FIRST SCHEDULE -(contd.)

- (65) establish, erect, maintain and control dipping tanks;
- (66) purchase and operate for hire agricultural tractors machinery;
- (67) operate and maintain crop processing or drying plants;
- (68) establish and maintain seed farms, plant nurseries, apiaries, fish ponds and animals at stud;
- (69) establish, maintain and operate aerodromes and landing grounds;
- (70) establish, erect, maintain and control public weighing machines;
- (71) establish, erect, maintain and control slaughter houses;
- (72) establish, erect, maintain and control laundries;
- (73) establish, erect, maintain and control cold storage works;
- (74) establish, maintain and control systems of lighting in public places;
- (75) establish, acquire and maintain omnibus or transport services;
- (76) establish, acquire and maintain ferry or boating .
- (77) provide for the registration of births, deaths and marriages within the area which is not provided for by any other law;
- (78) require the notification and registration of any marriage, birth or death within the area, the notification or registration of which is not required by any other law, and appoint registration offices and registrars for such purposes;
- (79) regulate and require the registration of the making of testamentary dispositions;
- (80) regulate and require the registration of transactions in immovable property;
- (81) make, maintain, alter, divert and close roads, streets and roads of any specified class or classes, paths, Culverts, street drains and water courses;
- (82) make, maintain, alter and close bridges, squares and open spaces;
- (83) name and number, and alter the names and numbers of, roads, streets and houses;
- (84) Prohibit or regulate the use of streets in the area;
- (85) provide that the owner or occupier of any land or tenements maintain, clear and keep free from vegetation the roads or paths adjoining his land or tenements;
- (86) regulate the use and lighting of bicycles and other vehicles;
- (87) engage in local trading or industry;
- (88) carry on any works or undertaking authorized by the Minister;
- (89) sell or buy products resulting from the carrying on, by or on behalf of the authority of any works or undertaking which the authority is authorized to carry on;
- (90) establish, provide maintain and control public water supplies and impose water rates;
- (91) prevent the pollution of water in any river, stream, water course, well or other water supply in the area, and for this purpose prohibit, regulate or control the use of such water supply;
- (92) regulate or prohibit the sinking of wells and provide for the closing of wells;
- (93) regulate or prohibit the construction and use of furrows;
- (94) grant sums of money to any association existing for the promotion of arts and crafts or of recreation and sports or of the welfare of the inhabitants of the area;
- (95) regulate or control the use of swamp or marshland;
- (96) establish, erect, maintain and control public monuments;



## FIRST SCHEDULE (contd-)

- (97) control, and regulate the sitting of advertisements and hoarding;
- (98), regulate the use and prevent the misuse or waste of or any interference with water, gas, oil or electric power;
- (99) do all things necessary for carrying Out any of the Purposes of this Acts Which the authority is authorized to carry out or for any purpose not specifically provided for in this Ordinance which the Minister may determine to be a purpose incidental to the, exercise by the authority of its powers and duties under the; provisions of this Act;
- (100) incur all expenditure necessary for the carrying out of any of the purposes of this Act or any purpose not specialty provided for in this Act which the Minister may determine to be a purpose incidental to the exercise by the authority of its powers and duties under the provisions of this Act;
- (101) provide funds for meeting the expenses of courts, including the provision of court houses and other buildings and personal emoluments for the staff of such courts;
- (102) engage paid labour for essential public works;
- (103) require the performance of unpaid communal labour or the payment of a composition in lieu thereof within the area of the authority for purposes section And not barred by the Convention respecting the use of force labour and that;
- (104) subject as aforesaid an authority may perform or shall perform any other functions whether similar to those enumerated in this section or not, specifically assigned to an authority by the Instrument.

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**SECOND SCHEDULE**


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(Section 139(l))

## Functions to be Performed by Township Authority

A Township Authority may, subject to the approval of the District Council in whose area it is situated and to the availability of financial resources, perform any or all of the following functions namely, to take measures designed to-

- (1) deal with the construction, drainage and maintenance in sanitary, condition of buildings, dwellings, conveniences and other premises;
- (2) establish and maintain sanitary services for the removal and destruction of, or dealing in any other manner with , all kinds, of refuse and affluent and to compel the f those
- (3) establish and maintain drains, sewers and works for the disposal of sewerage and refuse;
- (4) establish and maintain offices and buildings for the purpose of transacting the business of the authority and for public meetings and, assemblies;
- (5) establish and maintain allotment gardens;
- (6) require the taking of Measures for the conservation of natural resources and the prevention of soil erosion, including the prohibition and control of cultivation;
- (7) control the erection and display of advertisement and adverting devices in a or in view of, streets and other public Places;
- (8) control the keeping and movement of livestock;
- (9) establish and maintain pounds;

## SECOND SCHEDULE- (contd.)

- (I 0) control the slaughtering of animals, the meat of which is intended for human consumption; to control the sale of such meat; and to require the deposal of diseased animals and carcasses and of meat which is unfit for human consumption;
- (I 1) establish and maintain abettors, cold storage facilities and plants for the processing of by-products from abettors;
- (12) establish, maintain, control and close streets, bridges, ferries and water-courses and to remove obstructions there from.
- (13) prohibit and control the erection and laying in, under or over and the removal from, streets and other public places of-
  - (a) Posts, wires, pipes, conduits, cables and other apparatus;
  - (b) temporary platforms seats and other structures;
  - W** street decorations;
- (14) control traffic and the parking of vehicles and, for that purpose, to establish and maintain parking meters and premises for the parking of vehicles;
- (15) take measures for the promotion of road safety,
- (16) control the conduct of funerals and to establish and maintain cemeteries, mortuaries and crematoria;
- (17) safeguard and promote the public health, and to take all necessary and reasonable practicable measures for preventing the occurrence of, or for dealing with any outbreak or prevalence of any infectious, communicable or preventable disease, for maintaining the area of the authority in clean and sanitary condition, and for preventing the occurrence of or for remedying or causing to be remedied any nuisance or condition likely to be injurious or dangerous to health-
- (18) establish and maintain a school health service and to make provisions for matters ancillary to such service;
- (19) establish and operate ambulance services;
- (20) control the manufacture, storage, sale and use of petroleum, fireworks, gas and other combustible or dangerous substances.
- (21) control persons and premises engaged in or used for the manufacture, preparation, storage, handling, sale or distribution of articles of food or drink;
- (22) establish and maintain premises for the sale of, and to sell therefrom, articles of food and drink for consumption on or off the premises;
- (23) erect, purchase and maintain buildings for use as dwellings or clubs and, where it is in the public interest, for use for business or professional purposes;
- (24) prohibit and control the development and use of land and buildings, and the erection of buildings, in the interests of public health, public safety and the proper and orderly development of the area of the council;
- (25) control the demolition and removal of buildings and to require the alteration, demolition and removal of buildings which
  - (a) do not conform to plans and specifications in respect thereof approved by the council; or
  - (b) are danger to public health or public safety;
- (26) prohibit, control and require the fencing of land and to control the use of barbed wire and other dangerous materials for fencing;
- (27) require the trimming and removal of trees and shrubs growing on any land where such trees and shrubs which obstruct or endanger the use of streets and other public places;
- (28) establish and maintain parks, gardens, pleasure grounds, camping grounds, and open spaces;
- (29) plant, trim and remove trees, shrubs and plants in streets and other public places and to prohibit and control the planting, damaging, destruction and removal of trees, shrubs and plants in streets and other public places;

## SECOND SCHEDULE-- (contd.)

- (30) establish and maintain day nurseries;
- (31) establish and erect markets and market buildings on land allocated to the council for the purpose and to maintain and control such markets and market buildings, and to let portions of such buildings and stalls therein;
- (32) prohibit and control the carrying on of offensive, unhealthy or dangerous trades;
- (33) prohibit the sale of any specified produce within the area of the jurisdiction of the council otherwise than in a market;
- (34) establish and maintain weighing machines;
- (35) sell all products and by-products resulting from the carrying on of any of the undertakings or services of the authority;
- (36) control the days on which, and the hours during which, shops may be open for the transaction of business
- (37) arrange for the lighting of public places and for the erection and maintenance of lamps for that purpose;
- (38) prepare and administer schemes for the encouragement of community development;
- (39) establish and maintain fire-fighting and fire prevention services and take and require the taking of measures for the protection of life, property and natural resources from damage by fire;
- (40) establish and maintain public information services; and advertise and give publicity to the advantage and amenities of the area of the authority;
- (41) provide for and require-
  - (a) the enumeration and registration of persons or property for any purpose connected with the administration of the area of the authority;
  - (b) the registration of births, marriages and deaths the registration of which is not required by any other law;
  - (c) the registration of such transactions in connection with land charges as may be prescribed in any written law relating to land charges;
- (42) provide and maintain supplies of water and, for that purpose, to establish and maintain water works and water mains;
- (43) take and require the taking of measures for the conservation and the prevention of the pollution of supplies of water;
- (44) control persons, premises and land engaged in or used for the holding of any fair, circus, fete or other entertainment, recreation or assembly to which the public are entitled or permitted to have access whether on payment or otherwise;
- (45) prohibit and control the collection of money from door to door and in streets and other public places;
- (46) preserve public decency; and
- (47) prevent damage and trespass to property, whether public or private.

**THIRD SCHEDULE**

(Section 262 (1))

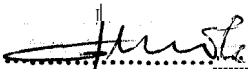
Amendment to Certain Written Laws

COLUMN 1	COLUMN 2	COLUMN 3
Acts, 1 979 No. 4	The Local Authorities (Elections) Act, 1979	<p>(a) In section 2 (1)-</p> <ul style="list-style-type: none"> <li>(i) by deleting the passage "or a District Development Council established under the Decentralization Act' ", and substituting for it the passage " a district council or township authority established under the Local Government (District Authorities) Act, 1982;"</li> <li>(ii) by deleting the designation "District Development Council" wherever it appears in relation to a district, and substituting for it the designation "district council";</li> <li>(iii) by deleting the expression the Decentralization Act" wherever it appears and substituting for it "the Local Government (District Authorities) Act, 1982, for the Local Government (Urban Authorities) Act, 1982";</li> <li>(iv) by adding, immediately after paragraph (d) in the definition "Council!", the following paragraph:  " (e) in relation to a township, a Township Authorities established under the Local Government (District Authorities) Act, 1982;"</li> <li>(v) in the definition "polling district" by deleting the passage beginning with the words" declared as a ward" up to the end of the definition and substituting for it the following:  " established as such by the Minister, and in relation an election in a village means a village registered as such, both under the Local Government (District Authorities) Act, 1982";</li> </ul> <p>(b) In section 6--</p> <ul style="list-style-type: none"> <li>0) by deleting the title "District Development Director' and substituting for it the title "District Administrative Officee.,</li> </ul> <p>(c) by deleting the whole of section 9 (1) and substituting for it the following:  ".,(I) For the purposes of any election, every Deputy City Director, Municipal Director, Town Director and District Executive Director shall be a Returning Officer for the local authority for which he is appointed, and a District Administrative Officer shall be a Returning Officer for all township authority within the district for which he is appointed"</p>

## FIRST SCHEDULE-- (contd)

COLUMN I	COLUMN 2	COLUMN 3
Acts, 1976 No. 4	The Films and Stage Plays Act, 1976	<p>In section 9-</p> <p>(a) by renumbering the present provisions of that section as being of subsection (1) of that section;</p> <p>(b) by adding after subsection (1) the following subsection:  "(2) Notwithstanding subsection (1), every township authority shall be the licensing authority for the purposes of this Part in relation to its area of jurisdiction."</p>
Acts, 1968 No. 25	The Intoxicating Liquors Act, 1968	<p>(a) by deleting the expression " District Development Council, wherever it appears, and substituting for it the expression "district council";</p> <p>(b) by deleting the expression "District Planning and Implementation Committee"</p> <p>(c) by deleting the passage '-the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975" wherever it appears in relation to a village or villages, and substituting for it the passage "the Local Government (District Authorities) Act, 1982";</p> <p>(d) by deleting the passage "the Decentralization of Government Administration (Interim Provisions) Act, 1972" wherever it appears and substituting for it the passage "the Local Government (District Authorities) Act, 1982'</p>
Acts, 1978 No. 25	The National Education Act, 1978	<p>(a) In section 2 (I)-</p> <p>(i) by deleting the definition "local authority" and substituting for it the following:-  "local authority" means a City Council, a Municipal Council, a Town Council, a District Council or a Township Council";</p> <p>(ii) by deleting reference to the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975, and substituting for it reference to the Local Government (District Authorities) Act, 1982;</p> <p>(b) by deleting subsection (2) of section I 1, and renumbering as appropriate the remaining provisions of that section.</p>

Passed in the National Assembly on the twenty-eight day of April, 1982

  
Clerk of the National Assembly