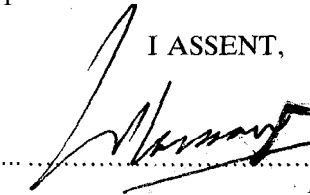


THE UNITED REPUBLIC OF TANZANIA



No. 23 OF 1991

I ASSENT,


President

9th April 1992

An Act to amend certain written laws pertaining to local government

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ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Local Government Laws Amendment Act, 1991. Short title

PART II

AMENDMENT OF THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1979

2. This Part shall be read as one with the Local Authorities (Elections) Act, 1979. Construct-
tion Act
1979 No. 4

3. Section 6 of the Local Authorities (Elections) Act, 1979 is hereby amended: Amend-
ment of
Section 6

- (a) In paragraph (b) by deleting the words "City Director" wherever they occur and substituting for them the words "Regional Director of Administration";
- (b) in paragraph (c) by deleting the words "or in the case of a City, by the City Council";

- (c) in subsection (3) by deleting the words "City Director" and substituting for them the words "Regional Director of Administration";
- (d) in subsection (4) by deleting the word "Deputy"; and
- (e) in subsection (7) by deleting the words "or as the case may be the City Council".

PART III

AMENDMENT OF THE LOCAL GOVERNMENT (FINANCES) ACT, 1982

Construc-
tion Act
1982 No. 9

4. This Part shall be read as one with the Local Government (Finances) Act, 1982.

Amend-
ment of
Section 19

5. Section 19 of the Local Government (Finances) Act, 1982 is hereby amended by deleting subsection (2) and substituting for it the following:

- "(2) A Local Government authority may reduce or remit payment of any rate, on account of the inability to pay it; or exempt, any person or category of persons specified in subsection (3), from liability to pay the rate;
- (3) The persons or categories of persons specified for the purposes of subsection (2) are:
 - (a) any person who is completely dependent on others for his livelihood;
 - (b) women who are completely dependent on their husbands or other persons for their livelihood;
 - (c) full-time students of the age of or above eighteen years who are, for inability to work, dependent on other for their livelihood;
 - (d) old persons of or above the age of sixty years who have no visible sources of income;
 - (e) disabled persons who have no visible sources of income;
 - (f) any person, or other category of persons, whom the local government authority thinks it fit, for any reason whatsoever, that they should be exempted.
- (4) The exercise by a local government authority of the powers conferred by subsection (2) shall be without prejudice to the duty imposed on that authority by section 14 to raise income from rates which is sufficient to meet its annual budgetary requirements."
 - (b) renumbering subsection (3) as (5)".

PART IV
AMENDMENT OF THE LOCAL GOVERNMENT SERVICE ACT,
1982

6. This Part shall be read as one with the Local Government Service Act, 1982, in this Part referred a-s "tile principal Act."

7. The principal Act is hereby amended by adding immediately after section 14 tile following new sections:

Constuc-
tion Act
1982 No.
10
Addition
of new
sections
14A, 14B
and 14C
Act. 1982
No. 10

Powers
of the
Minister

14A. The Minister shall:

- (a) have the power to transfer Directors of District and Urban Councils;
- (b) have the power to appoint heads of department of Urban and District Councils;
- (c) have tile Power to transfer heads of department and staff employed by the Commission;
- (d) be the disciplinary authority of all directors, and be the appellate authority in respect of officers employed by the Commission;
- (e) in consultation with the Commission, and local authorities, coordinate training for local government staff.

Powers of
the Com-
mission

14B. The Commission shall:

- (a) have the power to employ and promote officers within the category of LGGS 5 to LGGS 10;
- (b) in consultation with the Councils train officers within the category of LGGS 5 to LGGS 10," and
- (c) upon the advice of the Disciplinary Committee of the authority act as a disciplinary authority in respect of officers it employs.
- (d) deal with any allegation made against a Director upon consultation with the proper officer or assistant proper officer as the case may be; and shall thereupon give his recommendations to the Minister as to the disciplinary action to be taken.
- (e) administer local government service examinations.

Powers of
the Coun-
cil

14C. The Council shall:

- (a) have the power to employ all such other officers to certain offices in the service of local government other than those employed by the President, Commission or the Minister;

(b) be the disciplinary authority in respect of officers it employs and the Regional Commissioner shall be the final appellate authority.

Amend-
ment of
section 22

8. (a) Section 22 of the principal Act is hereby amended by deleting subsection (2) and substituting for it the following:

(2) A Director of a local government authority falling under category VI to VIII shall be appointed by the President, on the advice of the Minister, upon such terms and conditions as the President may specify in the instrument of appointment."

(3) The Minister shall be the appointing authority for directors in respect of each district Council falling under category I to V."

Addition
of new
section
31A

9. The principal Act is hereby amended by adding immediately after section 31 the following new section:

"Appoint-
ments 31A. The Minister shall be the appointing authority for directors in respect of Councils falling under category I to V. "

Amend-
ment of
Section 32

10. Section 32 of the principal Act is hereby amended by deleting subsection (2) and substituting for it the following:-

"(2) A Director shall subject to the advice of the Minister be appointed by the President in respect of each urban authority falling under category VI to VIII."

Addition
of new
section

11. The principal Act is hereby amended by adding after section 32 the following new section:

Discip-
fine of and
discontent
with
Directors "32A.--(1) The appointing authority for directors of local government authorities in their respective categories shall be the disciplinary authority in respect of those directors except for Directors appointed by the President; the disciplinary authority shall be the President.

(2) Notwithstanding with subsection (1), where the members of any local government authority are, for any sufficient reason, discontented or dissatisfied with the performance of the chief executive officer of the authority, the authority shall not take any action to remove him but shall, instead transmit an appropriate resolution of the members to the Minister, together with such other facts and information as will enable the Minister to make a decision in the matter or if necessary, to give appropriate advice to the President who shall be the final appellate authority. "

Passed in the National Assembly on the fifth day of November, 1991.

MMwindad
Clerk of the National Assembly