

**THE LOCAL GOVERNMENT LAWS  
(MISCELLANEOUS AMENDMENTS)  
ACT, 1999**

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THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 1999

I ASSENT

*Benjamin W. Mkapa*

President

*14<sup>th</sup> April, 1999.*

**An Act to amend certain written laws pertaining  
to the local government and related Laws**

[ ..... ]

Enacted by the Parliament of the United Republic of Tanzania.

**PART I**

**PRELIMINARY PROVISIONS**

1. This Act may be cited as the Local Short title  
Government Laws (Miscellaneous Amendments)  
Act, 1999.

**PART II**

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

Construction,  
commence-  
ment and  
application  
Act No.7  
of 1982

2.-(I) This Part shall be read as one with the Local Government (District Authorities) Act, 1982 herein referred to as "the principal Act."

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

(3) The Minister may, in exercising the powers under subsection (2), appoint different dates of commencement for different provisions in relation to such local government authorities as may be specified in the notice.

Amendment.  
of Section 3

3. The principal Act is amended in section 3  
which relates to interpretation by-

(a) deleting the phrase "Area  
Commissioner" and substituting for it  
the following definition in the  
appropriate alphabetical order-

Act No. 19  
of 199 /

""District Commissioner" has  
the meaning ascribed to it by  
the Regional Administration  
Act, 1997, and -

(i) when used in  
relation to a  
district means the  
District  
Commissioner for  
the District  
concerned; and

(ii) when used in  
relation to a local

government  
authority means  
the District  
Commissioner for  
the district in  
which that local  
government  
authority, is  
established;"

- (b) generally deleting the title "Area  
Commissioner" wherever it appears in  
the Act and substituting for it the  
title "District Commissioner;"
- (c) deleting the definition "court" and  
substituting for it the following-  
'court" means any court in  
mainland Tanzania of  
competent jurisdiction and

includes a ward tribunal  
established under the Ward  
Tribunals Act, 1985;"  
Act No.7

(d) by deleting the definition "Proper  
Officer" wherever the term  
appears in the Act.

(e) the principal Act is amended by adding  
the following definition in its appropriate  
alphabetical order-  
"service board" when used in relation to  
this Act means service board established in  
accordance with section 86A:

**Amendment  
of section 4**

4. The principal Act is amended in section 4  
by deleting subsection (3) and substituting for  
it the following subsections-

"(3) The Minister shall in exercising the  
powers and' discharging the functions  
under this Act, be guided and bound by the  
need to- promote decentralisation and the  
devolution of functions powers and  
services from the central government  
system to local government and within the  
local government- system from district

council levels to lower level of local government.

(4) The Minister shall endeavour to ensure that there is adequate financial and other resources for various sectors or aspects of local government so as to ensure the effective and efficient development of the local government system.

(5) The Minister shall-

- (a) ensure availability and adequate supply of personnel trained, skilled or qualified for work in various sections or aspects of local government so as to secure the growth and development of an

effective and efficient  
system of local  
government;

- (b) endeavour to ensure that  
the local government  
authorities are strong and  
effective institutions and  
that are more and more  
autonomous in managing  
their own affairs and  
they operate in a more  
transparent and  
democratic manner;
- (c) ensure that local  
authorities are  
accountable to the  
people and are generally  
so facilitated to improve  
their capacities towards



being stronger and effective in delivering services to their people",  
(d) endeavour to ensure that there is available adequate financial and other resources for various sectors, or aspects of local government so as to ensure the effective and efficient development of the local government system,

Amendment  
of section 23

5. The principal Act is amended in subsection (2) of section 23 by deleting the whole of subsection (2) and substituting for it the following-

"(2) The chief executive officer of the district council shall be the assistant registrar Of villages situated in the area of that district council."

**Repeal of  
section 31**

6. The principal Act is amended by repealing section 31 and substituting for it the following-

"Establish-  
ment of Ward  
Development  
Committee

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

(2) Every Ward Development Committee shall consist of-

- (a) a councillor representing the ward who shall be a chairman or in his absence members shall elect a presiding chairman from amongst village Chairmen;
- (b) chairmen of all village councils within the ward;
- (C) any person who is a member of a district council by virtue of section 35(1)(c) of this Act and who is

ordinarily resident  
in the ward;

- (d) any other persons  
who may be  
invited by the  
Committee who  
shall include  
persons from non-  
governmental  
organisations and  
other civic groups  
involved in the  
promotion of  
development in  
the ward but shall  
have no right to  
vote.

(3) The Ward  
Executive Officer shall

be the Secretary of the ward development committee.

(4) The Ward Development Committee shall ordinarily meet at least four times a year but may hold a special or extra-ordinary meeting whenever necessary.

(5) The Secretary of the ward development committee shall record the proceedings of the meetings and shall submit the minutes to the ward development committee and district

council.

(6) The Ward Development Committee may for the purpose of co-ordinating the functions or projects amongst different wards, establish joint ward committees.

(7) The joint ward committee established under subsection (6) shall each consist of such members as may be determined by the ward development committee.

(8) The funds and resources of ward development committee shall consist of such sum as may be determined and appropriated by the district council for the purpose of the ward development committees.<sup>1)</sup>

**Amendment  
of section 32**

**I** Section 32 of the principal Act is amended by deleting subsection (1) and substituting for it the following.-

"(1) The Ward Development Committee shall be responsible for ensuring the implementation of the decisions and policies of the district council, and of the

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 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 councils, of proposals for the making of by-laws in relation to the affairs of the ward.
- (f) monitoring revenue collection;
- (g) initiating and promoting participatory development in the ward;
- (h) supervising all funds established in and entrusted in the ward;

- (i) managing disaster and environment related activities;
- (j) promotion of gender issues.

**Amendment  
of section 35**

8. The principal Act is amended in subsection (1) of section 35 by adding paragraph (e) immediately after paragraph (d) as follows-

"(e) any other member of parliament whose nomination originated from organs of political parties within the area of jurisdiction of the district council."

**Amendment  
of section 45**

9. Section 45 of the principal Act is amended in subsection (1) by adding paragraph

(e) immediately after paragraph (d) as follows:-

"(e) such number of women members who are qualified to be elected to the township authority being not less than one quarter of all the members referred to in paragraphs

(a), (b) and (c) to be proposed by the political parties represented in the township authority in such numbers as shall be proportional to the number of members of those parties elected to the township authority which the electoral authority shall declare to have been elected into the township authority."

**Amendment  
of section 57**

10. Section 57 of the principal Act is hereby amended by deleting subsection (3) and substituting for it the following subsection-

"(3) As soon as may be practicable after the expiry of five years from the date when the village council was elected by the village assembly, the village council shall, in the manner prescribed by the Minister in the regulations convene a meeting of the

village assembly for the election of new members of the council."

**Amendment  
of section 71**

11. Section 71 of the principal Act is, amended-

(a) by deleting the marginal notes and substituting for it the following:

councillors or officers  
interest In contracts,  
agreements."

(b) in subsections (1), (2), (5), (6), (7), (8), (9) and (10) by inserting the word "or officer" after the word "member" wherever it occurs in those provisions.

(e) in subsection (8) by deleting the phrase "two thousand shillings and substituting for it the phrase "three

hundred thousand shillings'

- (d) in subsection (2) by deleting the term "proper officer" and substituting for it the title "Regional Commissioner."

Addition of  
section 71 A

12. The principal Act. is amended by adding section 71 A immediately after section 71 as follows:

councillors

liability

71 A. Where a councillor exercises the powers conferred on **him by this Act in abuse** of the authority of his office then he as well as any other person involved in procuring the councillor to exercise power in abuse of authority, is guilty of

an offence and may be  
proceeded against in  
accordance with section  
cap. 16 96 of tile Penal Code."

**Repeal of  
section 74**

13. The principal Act is amended in  
section 74 by deleting the whole of section 74  
and substituting for it the following:

"Standing 74(1) Every district  
Committee shall establish  
of the standing committees  
Distric for-

- (a) Finance,  
Administration  
and Planning;
- (b) Education,  
Health  
and Water; and

(c) Economic affairs  
works and  
environment.

(2) Notwithstanding subsection (1) a district council may establish such other standing committees not exceeding three as may be necessary for the proper discharge of the functions of the council taking into account the local needs and priorities.

(3) The Minister may by regulations published in the *Gazette* prescribe the limit of the number of committees that may be established by a district council and the annual cost of meetings of a council of its

committees and  
subcommittees.

(4) Any committee appointed under this section may invite other persons who are not members of the district council to provide expertise and other assistance but such invited persons shall not take part in the final decisions of the committee.

(5) The number of members of a standing committee established under this Act shall be such as may from time to time be determined by the district council.

(6) Each standing



committee other than standing committee for finance administration and planning shall consist of not more than one third of the members of the district council.

Repeal of section 76

14. Section 76 of the principal Act is hereby repealed.

Addition of section 86A

15. The principal Act is amended by adding immediately after section 86 the following section:

"Establish- 86A.-(1) A district  
ment of council may, for the purpose  
service of discharging its functions  
Board establish by instrument  
published in the *Gazette*, a  
service board for provisions

of services within its area of jurisdiction.

(2) The constitution and tenure of office of a board established under subsection (1) shall be as may be determined by the Council in the establishment instrument or any other authority.

(3) Every service board shall be accountable to the district council and shall perform such duties and functions as may be specified in the instruments of its establishment".

Repeal of  
section 96

16. The principal Act is amended by  
repealing section 96 and replaced with the  
following:

"Power to                    96.-(I) Every township  
establish                    Authority shall establish  
Standing                    Standing committees  
Committees                for-

- (a) Finance,  
Administration  
and Urban  
Planning;
- (b) Education, Health,  
and Water
- (e) Economic affairs,  
works and  
environment.

(2) A township authority  
may establish not more than  
two other standing

committees which are necessary or expedient for the better performance of functions and the efficient management of the affairs and business of the township authority.

(3) The term of office of the members of the committee shall from time to time be determined by the township authority.

(4) A standing committee established under this section may invite such other persons, who are not members of the authority as may deem necessary for the efficient

execution of any task  
undertaken by it.

Addition of  
section III A

17. The principal Act is amended by  
adding immediately after section III the  
following section:

<sup>66</sup> Objectives      IIIA.-(I) In addition to  
for      the functions specified in  
functions      section III it shall be the  
objective of the local  
authorities in performing their  
functions-

- (a) to give effect to  
the meaningful  
decentralisation in  
political, financial  
and administrative  
matters relating to  
the functions

powers,  
responsibilities  
and services at all  
levels of local  
government  
authorities;

- (b) to promote and ensure democratic participation in, and control of decision-making by the people concerned; and
- (c) to establish and maintain reliable sources of revenue and other resources in order to enable local

government  
authorities to  
perform their  
functions  
effectively and to  
enhance financial'  
accountability of  
local government  
authorities, their  
members and  
employees.

(2) In the performance  
of their functions, local  
government authorities shall-

(a) provide their  
services in an  
efficient and cost-  
effective manner  
and foster co-

operation with  
civic groups and  
other persons or  
authorities;

(b) accord due  
recognition to, and  
promote, gender  
awareness, and

(c) provide for the  
protection and  
proper utilization  
of environment for  
sustainable  
development.

(3) Nothing in this Act  
shall be construed as  
prohibiting local - government  
authorities from performing  
any function which is not the



exclusive responsibility of the central government or any other local government authority.

(4) For the purposes of subsection (3), the Minister may from time to time by Order published in the *Gazette*, specify for local government authorities any matters which are the exclusive responsibility of the central government and those of various levels of the local government authorities.<sup>11</sup>

Addition of  
section I 1 1 B

18. The principal Act is amended by adding immediately after section I 1. IA the following section:

"Public  
hearings

1 1 1 B. The Minister may, for the purpose of effective, efficient and participatory running of the affairs of local government authorities, by regulations published in the *Gazette* prescribe the procedure and the manner in which Public hearings shall be held in cases whenever a local government authority intends to carry out a scheme of major public interest.

Amendment  
of section 116

19. Section 116 of the principal Act is amended by adding immediately after subsection (2) the following subsections:

"(3) There shall be freedom of speech and debate in any proceedings of

the district authority during meetings and such freedom of speech and debate shall not be liable to be questioned in any court or place outside the meetings of the district authority.

(4) Notwithstanding the provisions, of this section, a member of a district authority who exercises the powers conferred on him by this Act in abuse of the authority of his office, commits an offence and, may be proceeded against in accordance with section. 96 of the Penal Code."

Cap. 16

Amendment  
of section 118

20. Section 118 of the principal Act is amended-

(a) in subsection (1) by adding immediately after paragraph (f) the following paragraph:

"(g) to take all necessary measures to provide for the protection and proper utilization of the environment for sustainable development.-

(b) by renumbering paragraph (g) as (h)

**Repeal of  
section 119**

21. The principal Act is amended by repealing section 119 and substituting for it the following:

<b>"Performance of functions delegated to district Council</b>	119. Any district council may Perform any functions lawfully delegated to it as a local government authority by agreement with a central government or with the, district council or other local government, authority
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or body within  
mainland Tanzania,  
whether or not it is a  
body corporate,  
adhering to conditions  
laid down in the  
agreement subject to  
such terms and  
conditions as may be  
agreed upon with the  
District Council which  
shall include the  
provision of sufficient  
resources to enable the  
council- to Perform such  
functions.,,"

Amendment  
of section 120

22. Section 120 of the principal Act is  
amended-

- (a) by inserting the words any organisation or body" before the words a "township" appearing .in the sixth line of subsection (1);
- (b) by inserting the words any organisation or body" before the words "the township" appearing in the first and second line of subsection (2);
- (c) by adding the following words at the end of subsection (2)-

and perform those functions as directed by the District Council.

Addition of section 120A

23. The principal Act is amended by adding immediately after section .120 the following section:

Abuse of                      120A.    Where a director  
Authority                    or officer exercises the  
by a                            powers conferred on him by  
Director                      this Act in abuse of the a  
                                    authority of his office he as  
                                    well as any other person  
                                    involved in procuring the  
                                    director to exercise powers in  
                                    abuse of the authority  
                                    commits an offence and may  
                                    be proceeded against     in  
                                    accordance with section 96  
Cap. 16                      of the Penal Code.<sup>19</sup>

Repeal of  
section 125

**24. The principal Act is amended by repealing section 125 and substituting for it the following-**

"Power to                      125.-(I) A district council  
contract                      may enter into a contract with

any person in order to perform any of its functions under this Act.

(2) No district council shall, enter into any contract of supply of goods or materials, the execution of any works or the provision of any service, without complying with procedure of competitive tendering and other procedures set out in the Local Government Financial Memoranda issued in accordance with the Local Government Finances Act.

Act No. 9  
of 1982

(3) Any contract made by a district council shall be



Act No.9  
of 1982

made in accordance with the Local Government Financial Memoranda issued under the Local Government Finances Act, 1982, if no provision in the memoranda which relates to the making of contracts, then in accordance with the standing orders or directions of the district council or, as may be appropriate, in accordance with the district council budget.

(4)- A person entering into a contract with an 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 directives of the authorities and all contracts so entered into by a district council shall if otherwise valid be valid, notwithstanding the standing orders or directions of the Minister not having been complied with. .

**Amendment  
of section 127**

25. Section 127 of the principal Act is amended-

- (a) by deleting the designation "proper officer" wherever it occurs and substituting for it the designation "Regional Commissioner",
- (b) by adding the following new subsection immediately after subsection (4)  
"(5) Notwithstanding the provisions of section 127, if the council is aggrieved by any of the decisions made by the Regional Commissioner under this section it may appeal to the Minister whose decision in the matter shall be final.

26. Section 135 of the principal Act is amended- **Amendment**

- (a) by deleting subsection (2) and **of section 135**  
substituting for it the following:

"(2) No township  
authority shall enter into any  
contract for the supply of  
goods or materials or the  
execution of any works or the  
provision of any services,  
without complying with the  
procedure for competitive  
tendering and other  
procedures set out in the  
Local Government Financial  
Act No.9 Memorandum issued in  
of 1982 accordance with **the Local**  
Government Finances Act."

- (b) by **deleting subsection (4) and**  
**substituting for it the following**  
**subsection:**

"(4) A **person entering** into a

---

contract with a township authority shall not be bound to enquire whether the entering by the council to the intended contract complies with the standing orders of the township authority and all contracts entered into by a township authority, if otherwise valid, shall have full force and effect in relation to the obligations of the authority under them, notwithstanding the standing orders or directions not having been complied with".

Repeal of  
section 137

27. The principal Act is amended by repealing section 137 and substituting for it the

following:

<sup>66</sup>Power to- write off arrears of revenue, cash and stores

137. Subject to such general or specific limitations or conditions as the district council may by order **published in** *Gazette*, local newspaper or a notice posted at a notice board, 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."

Repeal of  
sections 143,  
144, 145 and  
~ 146

28. Sections 143, 144, 145 and 146 of the principal Act are hereby repealed.

Amendment  
of section 150

29. Section 150 of the principal Act is hereby amended-

(a) by deleting subsection (3) and substituting for it the following new subsection-

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

(b) by deleting subsection (5) and substituting for it the following:

"(5) The Minister may, before approving any by-law which affects a reserve or specific area or any other enacted law, consult the Minister responsible, for the relevant law or matter as the case may be.

Amendment  
of section 151

30. Section 151 of the principal Act is amended-

(a) in subsection (3) by deleting the words "five thousand shillings" and substituting for them the words "three hundred thousand shillings."

(b) in subsection (1)(c) by inserting after the word "Minister" the words "Regional Commissioner or local government authority"

Amendment  
of section 153

31. Section 153 of the principal Act is hereby amended-

(a) by renumbering the contents of section 153 as 153.-(1);

(b) by adding after subsection (1) the following subsection-

"(2) The Director may where he is satisfied that any person has committed an offence under any by-laws made under this Act, by order under his hand compound such offence by requiring such person to make payment of a sum of money:

Provided that-

(a) such sum of money shall not be more than the



maximum fine  
provided for such  
offence and the  
whole of the  
amount of any  
levy or penalty  
due from such  
person;

(b) the power  
conferred by this  
subsection shall  
only be exercised  
where the person  
admits in writing  
that he has  
committed the  
offence;

(c)  
give to the Person

from whom he  
receives such sum  
of money a  
receipt therefor."

Amendment 32. Section 164 of the principal Act is  
Of section 164 amended-

- (a) by renumbering subsection  
(3) as subsection (2);
- (b) by adding a new subsection  
(3) immediately after  
subsection (2) as follows:

"(3) Any by-law made  
by a village council  
under this section shall  
be in accordance with  
this Act and shall not  
contravene any written  
law and nothing in this

Act shall De deemed to empower any village council to make any by-law which is inconsistent with any by-laws made by a district or other local government organ above the village council for the time being in force in relation to that Village Council".

Amendment  
of section 167

33. Section 167 of the principal Act is amended in subsection (1) by deleting the phrase -two thousand shillings" and substituting for it the phrase "fifty thousand shillings."<sup>91</sup>

Addition of  
section 170

34. The principal Act is amended by adding immediately after section 170 the following section-

<sup>c4</sup>Code of  
conduct

170A.-(I) The Minister may make regulations prescribing the code of conduct for councillors of a local government authority.

(2) Regulations made under subsection (1) shall be published in the *Gazette*.

Addition of  
Part VIIA

35. The principal Act is amended by adding immediately after section 174 the following Part-

"PART VIIA

FUNCTIONS OF THE CENTRAL  
GOVERNMENT IN RELATION  
TO LOCAL GOVERNMENT

Relations with central government 1/4A In relation to the powers and functions of district authorities conferred by this Act the central government shall-

- (a) facilitate the exercise of those powers and the discharge of those functions in a manner that gives due recognition to the autonomy of local government authorities-

- (b) formulate a national policy and regulatory framework for the local government system;
- (c) co-ordinate and monitor the performance of local government authorities for compliance with national policies, guidelines and standards;
- (d) develop policies and provide for regulatory framework to

ensure that the district councils lead other development agencies in their areas of their jurisdiction in the proper execution and implementation of those policies;

- (e) provide the necessary technical support or assistance to district councils for the development of

respective sectors  
in the districts;

- (f) assist in work for  
the  
implementation of  
decisions and  
resolutions of  
district councils  
which affect the  
development of  
their respective  
sectors,

and central government shall  
have due regard to the need to  
recognise and enhance the  
role of local government  
authorities in the provision of  
services and supervision of



development activities within  
their respective areas. .

Amendment  
of section 179

36. Section 179 of the principal Act is amended in subsection (1) by deleting the phrase "two hundred shillings" and substituting for it -the phrase "fifteen thousand shillings."

Amendment  
of section 180

37. The Principal Act is amended in section 180 by deleting the phrase "three hundred shillings" and substituting for it the phrase "twenty thousand shillings"

**PART III**  
**AMENDMENT OF THE LOCAL GOVERNMENT**  
**(URBAN AUTHORITIES) ACT, 1982**

- Construction  
and  
application  
Act No.8  
of 1982
- 38.-(I) This Part shall be read as one with the Local Government (Urban Authorities.) Act, 1982 in this Part referred to as "the principal Act",
- (2) This part shall come into operation OR such dates as the Minister may, by notice in the *Gazette* appoint subject to- subsection (3).
- (3). The Minister may in exercising the powers under subsection (2), appoint different dates of commencement for different provisions in relation to such local government authorities as may be specified in the notice.
- Amendment  
of section 3
39. Section 3 of the the principal Act is amended-

- (a) by deleting a semicolon at the end of the definition "City Council" and adding the following phrase:

"and includes a.City Council established under section 5 subject to section 7A of this Act;"

- (b) by deleting a semicolon at the end of paragraph (c) in the definition "the Council" and adding the following phrase:

"and includes the city Council established under section 5 subject to section 7A of this Act";

- (c) by adding the phrase at the end of the definition "court" as follows;

and includes a ward tribunal established under the Ward

Act No.7  
of 1985

Tribunal- Act, 1985"-<sub>1</sub>

- (d) by deleting the definition "proper officer" wherever the term appears in the Act.

**(e) by inserting at the appropriate alphabetical order the following definition-  
"service board" means the service board established under section 52A!**

**Amendment  
of section 4**

40. Section 4 of the principal Act is amended by deleting subsection (3) and substituting for it the following subsections-

**(3) The Minister shall-**

- (a) ensure the availability and adequate supply of personnel trained, skilled or qualified for work in various sections or aspects of local government so as to secure the growth and development of an effective

and efficient system of the local government;

- (b) endeavour to ensure that the local government authorities are strong and effective institutions that are more and more autonomous in managing their own affairs and that they operate in a more transparent and democratic manner;
- (c) ensure that local government authorities are accountable to the people and are generally so facilitated to improve their capacities towards being stronger and effective in delivering services to the people;

- (d) endeavour to ensure that there is available adequate financial and other resources for various sectors or aspects of local government so as to ensure the effective and efficient development of the Local government system.

'(4) **The Minister shall, in exercising the powers and discharging the functions under this Act, be guided and bound by the need to promote decentralisation and devaluation of functions, powers and services from the central government to **the local government** system and within the local government system from higher levels to lower levels of urban authorities."**

Amendment  
of-section 5

41. Section 5 of the principal Act, is amended-

- (a) by deleting subsection (1) and substituting for it the following subsection:

<sup>440</sup> Subject to sections 7 and 7A' and to other provisions of this part, the Minister may, by Order published in the *Gazette*, establish in any area of Mainland Tanzania an appropriate urban authority or authorities."

- (b) in subsection (4) by deleting paragraph (c) and substituting for it the following paragraph-

<sup>6,(c)</sup> A city council shall be known as the city and shall be

of such characteristics as to size, area, Jurisdiction, functions or other description as may be specified in the Order establishing it."

Amendment  
of section 7

42. Section 7 of the principal Act is amended by deleting subsection (1) and substituting for it the following subsection:

(1) No urban authority shall be established except in accordance with the procedure prescribed by this Act."

Addition of  
section 7A

43. The principal Act is amended by adding immediately after section 7 the following section:



"Procedure for establishing a city council in urban authority

7A.-(I) Where it is intended to establish a city council in respect of an area or areas of -urban authority or authorities, the Minister shall, by a two months notice published in the *Gazette* give notice of intention indicating its composition and jurisdiction and such other matters as the Minister may, deem necessary and call upon interested persons to lodge with him in writing any objections within such time as may be prescribed in the notice.

(2) Where upon the expiration of the notice, no objections are received from any person the Minister shall proceed to make and publish in the *Gazette* the establishment Order under section 5.

(3) Where objections are lodged with the Minister pursuant to the notice given under subsection (1), the Minister may take into account the objections and may after consultation with the president determine whether or not to establish a city council.

(4) The Minister shall, as soon as practicable after making the order under section (5), lay before the National Assembly a copy of the notice issued under subsection (1) together with a copy of the Order subsequently made under section 5."

Amendment  
of section 14

44. Section 14 of the principal Act is amended-

- (a) in subsection (3) by inserting immediately after the word "Mitaa", the words "or village"
- (b) in subsection (4) by inserting immediately after the word "Mtaa", the words "or village."

(c) by adding immediately after subsection (4) following subsection:

"(5) Every Mtaa shall hold meeting at least once in every two months and shall after the meeting submit the minutes of the meeting to the ward development Committee."

Addition of section 14A

45. The principal Act is amended by adding immediately after section 14 the following section-

"Mitaa committees 14A-(I) There shall be established a Mtaa committee in each Mtaa, which shall be composed of not more than six members elected from

amongst residents of the  
Mtaa.

(2) The functions of the  
Mtaa committee established  
under subsection (1). shall be-

- (a) to implement  
councils' policies;
- (b) to advise the  
Council on matters  
relating to  
development plans  
and activities of  
the Mtaa;
- (c) to advise the Ward  
Development  
Committee on  
matters relating to  
peace and security  
in the Mtaa.

- (d) to keep proper record of residents of the Mtaa;
- (e) and to do such other things as may be conferred upon it by the ward development committee."

Amendment  
of section 15

46. Section 15 of the principal Act is amended -

- (a) by deleting subsection (2) and substituting for it, the following subsections:

"(2) Every ward development committee shall consist of-

(a) a chairman who shall be a member representing the ward in the urban authority and in his absence members shall elect a presiding chairman from amongst chairmen of the Mitaa;

(b) chairmen of the Mitaa within the ward;

(c) Councillors of urban authorities who are resident in the ward;

- (d) chairmen of village council within the ward
- (e) a person who is a member of urban authority by virtue of section 19(1)(C), (2)(c) and (3)(c) of this Act and who is ordinarily resident in the ward'; and
- (f) other invited persons as may be determined by the committee but shall have no right to vote."



- (b) by deleting subsection (4) and substituting for it the following subsection:

"(4) There shall be a ward executive officer who shall be the Secretary to the ward development committee.

- (c) by renumbering subsection (3) as subsection (4) and subsection (4) as subsection (5).

Amendment  
of section 16

47. Section 16 of the principal Act 'is amended-

- (a) in subsection (1) by adding immediately after paragraph (e) the following paragraph:

<sup>11(f)</sup> to monitor and co-ordinate the activities of "Mitaa within the ward"

(b) by adding immediately after subsection (3) the following subsections-

"(4) The council may for the purpose of co-ordinating the functions or projects amongst different wards, establish joint ward committees;

(5) The ward joint committees established under subsection (4) shall each consist of such members as may be determined by the council.

(6) Funds and resources of ward development committee shall consist of any sum as may be determined and appropriated by the

council for the purposes of ward Committees."

Amendment  
of section 19

48. Section 19 of the principal Act is amended-

(a) by adding immediately after subsection (3) the following subsections:

"(4) A city council established subject to section 7A shall consist of the following members:

(a) a member elected by councillors of the urban authorities within the area of the city council from amongst elected councillors-

(b) a deputy mayor elected by councillors of the city council from amongst elected councillors except that where the mayor is from one urban authority, the deputy mayor shall be from a different urban authority;

(c) five members of parliament at least one from each urban authority, and at least one of whom shall be a woman, each elected from amongst themselves by members of parliament from and resident in the city.";

(d) three councillors from each of the urban authorities and at least one of whom shall be a woman;

(C) **the mayor of each  
urban authority  
within the city  
council.**

(5) The mayor elected under subsection (4) shall hold office for a period of five years and may be eligible for re-election.

(6.) A Deputy Mayor shall hold office for a period of one year and may be eligible for re-election to that office.

(7) The city director shall be the Secretary at all meetings of the city council but shall have no right to vote;"

(b) by renumbering subsection (4) as subsection (8).

49. Section 38 of the principal Act  
amended-

**Amendment**  
of section 38

- (a) in subsection (1) by inserting immediately after the word "member" the words "officer",
- (b) in subsection (9) by deleting the words "district council" and substituting for it the words "urban authority"

Repeal of  
section 42

50. the principal Act is amended by repealing section 42 and substituting for it the following:

Standing                      42.(1) Any urban  
Committees                  authority other than a city  
Council shall establish a  
standing committees for-

- (a) finance and  
administration;

- (b) economic affairs, health, and education;
- (c) urban planning and environment."

(2), Notwithstanding subsection (1) the council may establish such other standing committees not exceeding three as may be necessary for the proper discharge of the functions of the council to local needs and priorities.

(3) A city Council established under section 7A shall establish such committees as may be

determined by the Minister in the order establishing it.

(4) Each standing committee except the standing committee for finance and administration shall consist of not more than one third of the members of the urban council.

(5) The Minister may, by regulations published in the gazette prescribe the limit of the number of committees that may be established by an urban council and the annual cost of meetings of council, its committees and subcommittees.



(6) Any committee established under this section may invite other persons who are not members of the council to 'provide expertise and other assistance but such, invited persons shall not have the right to vote."

Addition of section 52A

51. The principal Act is amended by adding immediately after section 42 the following section-

<sup>46</sup>Establishment of Service Board 52A.-(I) An urban authority may for the purpose of discharging its functions within its area, establish by instrument published in the Gazette.

such service boards as it may deem necessary.

(2) A Service board established under subsection (1) shall be answerable to the urban authority and shall perform such duties and exercise such functions as may be specified in the instrument establishing it" ..

Amendment  
of section 54.

52. Section 54 of the principal Act is amended-

(a) by deleting the marginal note and substituting for it the following-

"Objectives and functions of the local government . authorities;"

(b) in subsection (1) by adding immediately after paragraph (c) the following paragraphs-

44(d) to take necessary measures to protect/and enhance the environment in order to promote sustainable development.

(e) to give effect to the meaningful decentralisation in political, financial and administrative matters relating to the functions, power, responsibilities and services of all levels of local government authorities;

- (f) to promote and ensure democratic participation in, and control of, decision-making by the people concerned; and
  
- (g) to establish and maintain reliable sources of revenue and other resources enabling local government authorities to perform their functions effectively -and to enhance financial accountability of local government authorities, their members and employees."-

(c) by adding immediately after  
**subsection** (1) the following  
subsections-

"(2) in the performance  
of then- functions, local  
government authorities shall-

(a) provide their  
services in an  
efficient and cost-  
effective manner  
and foster co-  
operation with civic  
groups and other  
persons or  
authorities;

(b) accord due  
recognition to, and  
promote gender  
awareness,.

(3) Nothing in this Act shall be construed as prohibiting local government authorities from performing any function which is not the exclusive responsibility of the central government or of any other local government authority

(4) For the purposes of subsection (3), the Minister may from time to time by order published in the Gazette, specify for urban authorities any matters which are the exclusive responsibility of the central government and those of any

other local government authority."

- (d) by renumbering subsection (2) as subsection (5).

Addition of section 54A

53. The principal Act is amended by adding immediately after section 54 the following section-

<sup>46</sup>Relations with Central Government      54A. In relation to the powers and functions Of Urban authorities conferred by this **Act, the central government shall-**

- (a) facilitate the exercise of those powers and the discharge of those function in a manner that gives

due recognition to  
the autonomy of  
local government  
authorities-

(b) formulate a  
national policy and  
regulatory  
framework for the  
local government  
system in urban  
areas;

(c) co-ordinate and  
monitor the  
performance of  
urban authorities  
for compliance  
with national  
policies, guidelines  
and standards; and



(d) have due regard to  
the need to  
recognise and  
enhance the role of  
local government  
authorities in the  
provision of  
services and  
supervision of  
development  
activities within  
their respective  
areas.

(e) develop policies  
and provide for  
regulatory  
framework and  
ensure that the  
urban authorities

shall lead other development agencies in their area of jurisdiction in the proper execution and implementation of those policies;

(f) provide the necessary technical support to urban authorities for the development of respective sectors in their areas;

(g) assist in work for the implementation of decisions and resolutions of the

urban authorities  
which affect the  
development of  
-their, respective  
sectors;"

Amendment  
of section 58

54. Section 58 of the principal Act is amended by adding immediately after subsection (2) the following subsections:

"(3) There shall be freedom of speech and debate in any proceedings of the urban authority during council meetings and such freedom of speech and debate shall not be liable to be questioned in any court or other place outside the councils meetings.

(4) Notwithstanding the provisions of this section, any member of an urban authority who exercises the powers

conferred on him by this Act in abuse of the authority of his office, commits an offence and may be proceeded against in accordance with section 96 of 'the Penal Code. <sup>19</sup>

Cap. 16

Amendment  
of section 67

55., Section 67 of the principal Act is amended by adding immediately after subsection (2) the following subsection:

<sup>6(3)</sup> Where a director exercises the powers conferred on, him by this section in abuse of the authority of his office, then, he as well as any other person involved in procuring the director to exercise the power in abuse of authority commits an offence and may be proceeded against in accordance with section 96 of the Penal Code. <sup>55</sup>

Addition of  
section 69A  
and a  
subheading

56. The principal Act is amended-  
(a) by adding a new subheading and  
section 69A as follows-

*"C-Functions of the City Council  
established subject to section 7A "*

*functions*                      69A. The  
  
of the                              Functions  
  
City                                of tile city  
  
council                            council  
  
shall be:  
  
(a) to                            co-  
  
                                        ordinate the  
  
                                        powers and  
  
                                        functions of  
  
                                        the urban  
  
                                        authorities  
  
                                        regarding  
  
                                        infrastructure

and land use

planning;

(b) to prepare a

coherent

city-wide

frame work

for the

purpose of

enhancing

sustainable

development;

(c) to promote

co-operation

between the

city council

and, or

amongst

local

government

authorities  
within the  
**city area;**

(d): to deal with  
all matters in  
which there  
is an inter-  
dependency  
among the  
urban  
authorities;

(e) to support  
and facilitate  
the overall  
functioning  
and  
performance  
of the urban  
authorities;

(f) to provide  
peace and  
security and  
emergency  
services such  
as fire  
prevention  
and control,  
ambulance  
and police;

(g) to perform  
such other  
functions as  
may be  
agreed upon  
between the  
City Council  
and other  
urban



**authorities;**

**and**

(h) to perform major functions relating to protocol and ceremonies.

(b) by renumbering subheading "C" as subheading "D".

**Addition of section 78A**

57. The principal Act is amended by adding immediately after section 78 the following section:

*"Power of* 78A In relation to the exercise of powers and performance of functions of local government authorities conferred by this Act, the role of the Regional Commissioner and of the District Commissioners shall

be to investigate the legality when questioned of actions and decisions of local government authorities within their areas of jurisdiction and to inform the Minister or take such other appropriate action as may be required."

58. Section 81 of the principal Act is amended in subsection (5) by deleting the word "consent" which appears in the first line and substituting for it the word "approval";

**Amendment  
Of section 9 I**

59. Section 88 of the principal Act is amended-

**Amendment  
of section 88**

- (a) by deleting the phrase "five thousand shillings" and substituting for it the phrase "fifty thousand shillings"
- (b) by adding immediately after subsection (2) the following section:

"(3) The Director may, where he is satisfied that any person has committed an offence under any by-laws made under this Act, by order under his hand compound such offence by requiring such person to make payment of a sum of money;

Provided that:-

- (a) such sum of money shall not be more than the maximum fine provided for such

offence and  
the whole of  
the amount  
of any levy  
or penalty  
due from  
such person;

(b) the power  
conferred  
by this  
subsection  
shall only  
be exercised  
where the  
person  
admits in  
writing that  
he has  
committed

the offence;

- (c) the Director shall give, to the person from whom he receives such sum of money an official receipt therefor."

Amendment  
of section 92

60. Section 92 of the principal Act is amended in paragraph (c) by deleting the words "five hundred" and substituting for it the words "fifty thousand".

Amendment  
of section 93

61. Section 93 of the principal Act is

amended in paragraph (b) of subsection (1) by deleting the words "two hundred" and substituting for it the words "fifty thousand"

**Amendment  
of section 94**

62. Section 94 of the principal Act is amended by deleting the words "three hundred" and substituting for them the words "fifty thousand".

**Addition of  
. A. 109A**

63. The principal Act is amended by adding immediately after section 109 the following section:

<sup>44</sup>Code of conduct                      10. 9A.-(1)                      The Minister may, by regulations published in the *Gazette*, establish a code of conduct for members of urban authorities.

**PART IV**

THE AMENDMENT OF THE LOCAL  
GOVERNMENT FINANCE ACT, 1982

Construction  
and  
application  
Act No.9  
of 1982

64.-(1) This Part shall be read as one  
with the Local Government Finances Act, 1982  
in this Part referred to as "the principal Act"

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

(3) The Minister may in exercising the  
powers under Subsection (2) appoint different  
dates of commencement for different provisions  
in relation to such local government authorities  
as may be specified in the notice.

Amendment  
of section 4

65. Section 4 of the principal Act is  
amended-

- (a) by adding immediately after the definition "authority" the following definition:

"blockgrant" means subvention whether conditional or unconditional granted to a local government authority by the central government under section IOA;"

- (b) by adding immediately after the definition "district authority" the following-

"equalisation. grant" means subvention granted by the central government in agreement with the local government authorities to enable least developed local



authorities meet the cost of services based on the degree to which a local government unit is lagging behind the national standard.

- (c) by deleting the definition "proper officer" , wherever the term appears in the Act;"

Addition of section 9A

66. The principal Act is amended by adding immediately after- section 9 the following section:

"power of 9A .-(I) No person shall  
the alter any item or revenue  
Minister source that may affect the  
local government authority or  
authorities without  
consultation with the Minister

responsible for local government.

(2) Notwithstanding sections 6, 7, 8 and 9(1)- of this Act, the Minister may, after consultation with other stakeholders, by regulation decide on the distribution of sources of revenue among various levels of councils."

Amendment  
of section 10

67. Section 10 of the principal Act is amended-

(a) in subsection (3) by adding immediately after paragraph (e) the following paragraph:

"(f) Such sum as the Minister may after consultation with the

Minister responsible for  
finance determine as  
being the costs incurred  
by the district council  
on the provisions and  
maintenance of  
agriculture and  
livestock. extension  
services within the area  
of the district  
authority."

(b) by deleting subsection (6).

Addition of  
section 10A

68. The principal Act is amended by  
adding section 10A immediately after section 10  
the following section:

"Block grants to local government authorities 10A -(I) There shall be paid annually to an urban authority by way of block grants from the public revenue of the United Republic the following amounts, for which payment there shall be no further authorization other than this section such sum as the Minister may after consultation with the minister responsible for finance determine as being the cost to be incurred by the urban authority for development and

maintenance of services particularly education, health, water, roads and agriculture.

(2) There shall be paid annually to a district council by way of block grants from the public revenue of the United Republic the following amount for which payment there' shall be further authorization other- than this -section such sum as the Minister May after consultation with the Minister responsible for finance, determine as

being costs to be incurred by the district council in the provision of essential social **service**; particularly education, health, water, roads and agriculture.

(3) Payment of block grants under subsections (1) and (2) may vary from one local authority to another depending on the grades and standards as may be prescribed by the Minister.

(4) The government may, where it is satisfied that a particular local authority has a weak revenue base, pay to that local authority an equalization grant to enable it to provide maintain and develop other necessary services within its area.

(5) The Minister shall, by regulation published in the gazette, prescribe the criteria for the provision of equalization grant.

Amendment  
of section 19

69. Section 19 of the principal Act is amended in item (iv) of paragraph (b) of subsection (1) by deleting item (IV) and substituting for it the following item

"(V) any tenement specifically exempted by the council in writing except that the Council shall in making the exemption ensure that there are other sources of revenue to compensate for the revenue of exempted tenement and the exemption is immediately reported to the Regional Commissioner and copied to the external auditor"

Amendment  
of section 21

70. Section 21 of Principal Act is amended-



- (a) in subsection (1) by deleting the subsection (1) and substituting for it the following-

"(1) Any person who neglects, fails, or refuses to pay any rate payable by him to a local government authority under this Act, commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months unless he proves that the apparent neglect, failure or refusal, was due to provable circumstances beyond his control";

- (b) in subsection (4) by deleting the phrase "one thousand" and substituting for it the words "fifty thousand"

Amendment  
of section 22

71. Section 22 of the principal Act is amended in by deleting the words <sup>4c</sup> "one thousand" and substituting for them the words "fifty thousand".

Amendment  
of section 23

72. Section 23 of the principal Act is amended in paragraph (b) by deleting the words <sup>4c</sup> "one thousand" and substituting for them the words "fifty thousand".

Amendment  
of section 2-5

73. Section 25 of the Principal Act is amended-

- (a) in subsection (1) by deleting the words <sup>44</sup> "one thousand" and

substituting for them the words "fifty thousand";

(b) in subsection (2) by deleting the words "five hundred" and substituting for them the words "fifty thousand";

(c) in subsection, (3) by deleting the words "five hundred" and substituting for them the words "fifty thousand".

Amendment  
of section 27

74. Subsection 27 of the principal Act is amended in paragraph (d) by deleting the words "one thousand" and substituting for them the words "fifty thousand".

Amendment  
of section 28

75. Section 28 of the principal Act is amended by deleting subsection (1) and substituting for it the following subsection-

**10** A Local government authority may, subject to the provisions of this Act,

- (a) appoint a person or persons as agents for the collection of rates imposed by the authority on the person or persons who are not within its area of jurisdiction; and
- (b) enter into such agreement as it may deem necessary with a person or persons so appointed as to the performance of the functions and to his remuneration.<sup>19</sup>

Amendment  
of section 33

76. Section 33 of the principal Act is amended by deleting subsections (1), (2) and (3)

Amendment  
of section 34

77. Section 34 Of the Principal Act is amended-

- (a) In subsection (1) by deleting the term -proper officer" and substituting for it the title "Minister";
- (b) by deleting subsections (2) and (3)

Amendment  
Of section 35

78. Section 35 of the principal Act is amended by deleting subsection (2) and substituting **for it the** following subsection:

"(2) A local government authority may instead of providing any service which it is authorized to provide make a financial contribution or management to the service board established under the local government Acts, where the board is providing the service or so that it may

provide the service within the area of that local government authority"

Repeal of section 37

79. The principal Act is amended by repealing section 37 and substituting for it the following-

"Advances and deposits 37 A local government authority may make advances and operate deposit and suspense accounts."

Amendment of section 38,

80. Section 38 of the Principal Act is amended by deleting the phrase "with the prior approval of the proper officer from time to -time" which appears in the second line of the section.

Repeal of section 43

81. The principal Act' is amended by repealing section 43, and substituting for it the

following- ,

<sup>64</sup>Estimates

43.-(I) Every local government -authority shall, not less than two months before the beginning of every financial year, at a meeting specially convened for the purpose, pass a detailed budget (in this Act called "annual budget") of the estimates of the amounts respectively-

- (a) expected to be received;
- and

(b) expected to be  
disbursed,

by the authority during the financial year, -and whenever circumstances so require, an authority may pass a supplementary budget in any financial year.

(2) The chief executive officer shall for the purpose of obtaining advice regarding national policies, programmes and financial regulations, arrange a meeting with the Regional Secretariat at any time before the passing of the councils' annual or supplementary budget.



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

(4) Where a budget is, not approved or disapproved by the local government authority before the commencement of the financial year for which it is prepared, the chief executive officer of the authority concerned may authorize expenditure, in accordance with the budget up to fifteen percent of its revenue for the preceding year

(5) Where the local government authority approves the annual budget or supplementary' budget as a whole, the budget as approved shall be binding on the local government authority, which shall confine its disbursement within the items and amounts contained in the applicable estimates as approved..

(6) Subject to the provisions of any financial memoranda relating to it, a local government authority may by resolution-

(a) adjust expenditure limits to take

account of  
circumstances not  
reasonably  
foreseeable at the  
- time the budget  
was prepared-,

- (b) authorize the  
expenditure of  
money  
appropriated for  
any one purpose in  
an. approved  
budget on any  
other purpose  
contained in the  
budget.

(7) Where a Local  
Government Authority has  
not, within three months of

the beginning of the financial year, approve its budget, the Minister shall take such appropriate action as he considers necessary including the power to direct that the council shall not make any expenditure without his approval.

(8) Where at any time during the implementation of the annual or supplementary budget it appears to the Minister that a local government authority is in contravention of any national policies, guidelines or standards, he shall take appropriate measures to

ensure that these are complied with and, for that purpose, may issue directives 'for the implementation of those measures, and such directives shall be binding on the local government authority."

Repeal of  
section 44

82. The Principal Act is amended in section 44 by repealing section 44 and substituting for it the following-

'Access to records of Local Government authorities

44. The -Regional Commissioner may authorise in writing any person to have access to the records of an authority and a person so authorized shall at all reasonable times have access to and be entitled to

inspect all books of accounts and records of the authority and may advise the authority on the matters contained in them and submit a report to the Regional Commissioner in connection with the records"

Amendment  
of section 45

83. Section 45 of the principal Act is  
**amended in:-**

(a) by deleting subsection (2) and substituting for it the following subsection:

"(2) The accounts, of a township authority shall be audited by such auditor as may be appointed in that behalf

by the Minister, or by a public officer or local authority authorized by the Minister.";

(b) by **deleting subsection (3) and substituting for it the following subsection:**

"(3) The accounts of a village council shall be audited by such public officer or organisations as the district council or as the case may urban council may in writing direct".

Amendment  
of section 64

84. Section 64 of the principal Act is amended by deleting the words "two thousand"

and substituting for them the words "fifty thousand".

PART V

AMENDMENT OF THE LOCAL  
GOVERNMENT SERVICE ACT, 1982

Construction  
Act No. 10  
of 1982

85.-(1) This Part shall be read as one with the Local Government Service Act in, this part referred to as "the principal Act."

(2) This part shall come into operation on such dates as the Minister may, by notice in the Gazette appoint subject to subsection (3).

(3) The Minister may in exercising the powers under subsection (2) appoint different dates of commencement for different provisions in relation to such local government authorities as may be specified in the notice.



Addition of  
section 20A

86. The Principal Act is amended by adding immediately after section 20 the following section:

<sup>c</sup>code of 20A The Minister  
conduct may by regulations  
published' in the *Gazette*,  
prescribe the code of conduct  
for employees of the local  
government authorities.

Addition of  
section 33A

87. The principal Act is amended by adding immediately after section. 33 the following section:

Power to 33A.-(I) Notwithstanding -  
the provisions of this Act,  
every specified local  
government authority may  
subject to subsections (2) and  
(3) appoint, remunerate,

Promote, develop, discipline and dismiss its own employees.

(2) The Minister shall, by regulation published in the *Gazette* prescribe the procedure and manner in which specified local government authorities referred to in subsection (1) shall appoint remunerate, promote-, develop, discipline and dismiss categories of employees as may be prescribed by the Minister.

(3) The specified local government authorities shall, for all matters regarding employment policies an&

**scheme of service, be guided  
by the local government  
service commission  
established under this Act"**

**PART VI**

**AMENDMENT OF LOCAL GOVERNMENT**

**NEGOTIATING MACHINERY ACT, 1982**

88. This Part shall be read as one with <sup>Construction Act No. II</sup> the Local Government Negotiating Machinery <sup>of 1982</sup> Act, 1982, in this Part referred to as "the principal Act.

89. Section 4 of the principal Act is <sup>Amendment of section 4</sup> amended by deleting the definition "trade union" and substituting for it the following definition.

"trade union" means any registered workers union whose members are employees of a local government authority."

90. Section 5 of the principal Act is <sup>Amendment of section 5</sup> amended by deleting the acronym "OTTU" and wherever the acronym appears in the Act and substituting for it the phrase "any Local government workers union or unions as may be determined by the Minister".

PART VII

AMENDMENT OF THE REGIONAL  
ADMINISTRATION ACT, 1997

Construction  
Act No. 19  
of 1997

91. This Part shall be read as one with -the  
Regional Administration Act, 1997, in this Part  
referred to as "the Principal Act."

Amendment  
of section 3

92. Section 3 of the principal Act is  
amended in section 3 by deleting the definition  
"Minister" and substituting for it the following  
definition:

**Minister** means the Minister  
responsible for regional administration and  
local government.<sup>15</sup>

Amendment  
of section 20

93. Section 20 of the principal Act is  
amended in subsection (2) by deleting the word  
"Secretariat" and substituting for it the word  
"Secretary".

PART VIII  
AMENDMENT OF THE URBAN  
AUTHORITIES (RATING) ACT, 1983

Construction  
Act No. 2  
1983

94. -(I) This Part shall be read as one with the Urban Authorities (Rating) Act, 1,983, in this Part referred to as "the Principal Act."<sup>55</sup>

(2) This part shall come into operation on such dates as the Minister may, by notice in the Gazette appoint subject to subsection (3).

(3) The Minister may in exercising the powers under subsection (2) appoint different dates of commencement for different provisions in relation to such local government authorities as may be specified in the notice.

Amendment  
section 2

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

"(2) The council may exempt any part of the area of its jurisdiction from the application of all or any of the provisions of this Act.<sup>95</sup>

Amendment  
of section 4

96. Section 4 of the-Principal Act is amended by deleting subsection (1) and substituting for it the following:

"(1) The local government authority of the higher level shall subject to this Act appoint a valuation surveyor who shall be responsible for the preparation of a roll or supplementary roll for all the rating authorities within its area of jurisdiction."

9.7. Section 5 of the principal Act is amended in the last sentence of subsection (2) by deleting the words "two thousand" And substituting for them the words "fifty thousand".

Amendment  
of section 7

98. Section 7 of the principal Act is amended-

(a) in item (ix) by deleting of the item and substituting for it the following:

"(ix) such other property as the urban authority may prescribe"

(b) by deleting subsection (2).

Amendment  
of section 8

99. Section 8 of the principal Act is amended by adding immediately after subsection (3) the following, subsection:

"(4) Notwithstanding subsections (1) and (3) of this section, the rating authority may, where it deems it necessary or expedient, require the owner of the rateable property to furnish the authority with the value of the property.

Amendment  
of section 13

I00. Section 13 of the principal Act is amended by adding immediately after subsection (2) the following subsections:

"(3) A person who has lodged an objection under subsection (1) may, at any time before the date fixed for hearing by the tribunal, withdraw his objection.

(4) The withdrawal of objection under subsection (3) shall be made in the prescribed form.<sup>15</sup>

Amendment  
of section 16

101. Section 1-6 of the principal Act is amended by deleting subsection (2) and substituting for it the following subsection:

"(2) The rates levied under this section shall be distributed among various levels of local government authorities in accordance with the regulations made by the Minister



Act No.9                      under the provisions of the Local  
of 1982                      Government Finances Act, 1982,  
                                    regarding the distribution of sources  
                                    of revenue.

Amendment  
of section 23

102.    Section 23 of the principal Act is  
amended-

(a) by deleting subsection (1) and  
substituting for it the following:

<sup>c4</sup>Exemption    23.(I) Notwithstanding  
and                      any other provisions of  
remission            this Act, the rating  
of rates                authority may reduce or  
                                 remit any rate levied on  
                                 any rateable property..

(b) by adding immediately after  
subsection (1) the following:

"(2)    The rating authority  
shall in making the remission

or reduction under subsection (1) ensure that there are other sources of revenue to compensate for the revenue of remitted or reduced levy and the remission or reduction is reported to the Regional Commissioner and copied to the external auditor.",

- (c) in subsection (4) by deleting the words "two thousand" and substituting for them the words "fifty thousand";
- (d) by renumbering subsections (2) as (3), (3) as (4) and (4) as (5).

Amendment  
of section 26

103. Section 26 of the principal Act is amended in subsection (2) by deleting the phrase "upon the resolution of the rating authority in that behalf."

PART IX

**AMENDMENT OF THE DISTRICT  
CORPORATIONS ACT, 1973**

Construction  
Act No. 16  
of 1973

104. This Part shall be read as one with the District Corporations Act, 1973 in this Part referred to as "the principal Act."

General  
Amendments

105. The principal Act is generally amended by deleting the title "District Corporations" and substituting for it the title "District Development Corporations."

Amendment  
of section 2

106. Section 2 of the principal, Act is amended by deleting the definition "district", "Minister" "Regional Development corporation" and substituting for them following definitions in respective appropriate alphabetical order:

"district" means all the area which is wholly within the jurisdiction of a local authority;

"Minister" means the minister for the time being responsible for regional administration and local government;

107. Section 3 of the principal Act is amended, Amendment  
of section 3

(a) by deleting the marginal note and substituting for it the following:

"Local authorities to establish district development corporations"-

(b) by deleting subsection (1) and substituting for it the following:

'(1) A local government authority or two or more local government authorities may, by instrument establish a district development corporation for the carrying on of the commercial or industrial activity or enterprise which may be specified in the establishment instrument.

Repeal of  
section 4

108. the principal Act is amended by  
repealing section 4 and substituting for it the  
following:

**"Shareholding** 4. **Where a district**  
**District** **development corporation**  
**Development** is established under section 3,  
**Corporations** the local authority of the  
district or local authorities of  
the districts for which  
the corporation is  
established shall  
subscribe for all the  
shares of the  
corporation.<sup>19</sup>

Repeal of  
section 6

109. The principal Act is amended by  
repealing section 6 and substituting for it the  
following:

**Establishment** 6, Where a local  
*of District* government authority  
**Corporations** or authorities establish  
any district corporation

under the provisions of  
this Act, the local  
government authority  
or authorities shall by  
regulation provide for  
the management of the  
District Corporation."

.110. Section 6A of the principal Act is amended by deleting the word "Minister" wherever it appears and substituting for it the words "local government authority" amendment of section 6A

111. Section 6B of the 'principal Act is amended by deleting the word "Minister" wherever it appears and substituting for it the words "local government authority". amendment Of section 6B

112. Section 6C of the principal Act is *Amendment* amended in subsection (2) by deleting the word of section 6C "Minister", and substituting for it the words "local government authority".

113. Section 7 of the principal Act is *Amendment* amended by deleting the word "Minister" and, of section 7 substituting for it the words "local government authority"

Repeal of  
section 8

114.,, The principal Act is amended by  
repealing of section 8 and substituting for it the  
following-

,"Establishment  
office

8. Subject to such  
exceptions as a local  
government authority  
may in any case allow,  
no **district corporation**  
**shall establish an office**  
for the corporation  
without the written  
consent of the local  
government authority."

Repeal of  
section 9

115. Section 9 of the principal Act is  
repealed.

Amendment'  
of section 10

116. Section 10 of the principal Act is  
amended by deleting the word "Minister" and  
substituting for it the words "local government  
authority".

Amendment  
of section 11

117. Section 11 of the principal Act is  
amended-

(a) by deleting the word "Minister" and  
substituting for it the words "local  
government authority"\*

(b) by deleting the phrase "United Republic" which appears in paragraph (a) of subsection (4) and **substituting** for it the words "local government authority"

Amendment  
of section 12

118. Section 12 of the principal Act is amended-

(a) by deleting the word "Minister" and substituting for it the words "local government authority"-<sub>5</sub>

(b) by deleting subsection (1) and substituting for it the following:

(1) In the event of the dissolution of any district development corporation under the provisions of this Act, the local government authority shall as soon as may



be practicable after the effective date, cause the accounts and activities of the district development corporation to be fully examined by auditors appointed by the local government authority and the auditors shall prepare or cause to be prepared audited balance sheets of the corporation and profit and loss accounts for the period expiring on the effective date and the auditors shall submit their report of the balance sheets and profit and loss account to the local government authority. ,

(c) by deleting the phrase "consolidated fund" which appears in subsection (3) and substituting for it the words "funds of the local Authority"

(d) by deleting the whole of subsection (4) and substituting for it the following:

"(4) Compensation payable under this section shall be paid in such manner and by such instalments as the local government authority may direct."

Amendment  
of section 13

119. Section 13 of the principal Act is amended by deleting subsection (1) and substituting for it the following:

"(1) Where a local government authority dissolves any district development

corporation . under this Act the local government authority may, by order in the Gazette, determine **the** rights and privileges of any employee of that district development corporation,.

Repeal of  
section 14

120. The principal Act is amended in by repealing section 14. and substituting for it the following-

"Delegation  
of powers

14.-(I) 'The Minister,  
or as the case may be the local government authority may by order published in the *Gazette* delegate any of their, functions under this Act to any public officer.

(2) Notwithstanding subsection  
(1) the Minister or as the case may be the local government authority

shall not delegate the power to establish or dissolve a district or regional development corporation."

121. Section 16 of the principal Act is amended by deleting the word "Minister" and substituting for it the words "Local government authority".

Amendment  
of section 16

Passed in the National Assembly on the 12th February, 1999

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*Clerk of the National Assembly*