

TANGANYIKA



No. 53 OF 1963

I ASSENT,

Julius K. Nyerere
President

[6TH DECEMBER, 1963]

An Act to grant Local Authorities Immunity from certain Proceedings by Former Chiefs, to prohibit the execution or enforcement of certain judgments without the consent of the President and for matters incidental thereto

[7TH DECEMBER, 1963]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Chiefs (Abolition of Office: Short title
Consequential Provisions) Act, 1963.

2. In this Act, unless the context otherwise requires-

"chief" means a person constituted or deemed to have been constituted a chief of a chiefdom under the repealed African Chiefs Ordinance; Cap.331

"former chief" means a person who at any time was constituted or deemed to have been constituted as a chief, and includes a person who, individually or as one of a council or group or jointly with a council or group, was at any time declared to be or established as a native authority;

"local authority" means a city council, municipal council, town council or district council;

"native authority" means a native authority declared to be or established as a native authority under the repealed Native Authority Ordinance, and includes a person who was one of a council or group which was, or who was jointly with a council or group, so declared to be or established as a native authority. Cap. 72

3.-(1) This Act applies to suits and other proceedings by or on behalf of a former chief against a local authority making or in respect of any claim for damages for breach of contract or for inducing or conspiracy to induce a breach of contract, or for compensation, arising out Suits and proceedings to which Act applies

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of the termination of such former chief's appointment or tenure of office as chief or native authority (or of any other office or appointment held by such former chief together with the office of chief or native authority the remuneration for which included an element in consideration of such person's service as chief or native authority), or out of the abolition of any office of chief or native authority.

(2) For the avoidance of doubts; it is hereby declared that the reference in subsection (1) to suits and proceedings against a local authority also includes suits and proceedings against a local authority as the successor to any native authority or other local authority.

Suits or proceedings to which Act applies not to be instituted

4.-(1) Notwithstanding the provisions of any law to the contrary, no suit or other proceeding to which this Act applies shall be instituted in, or remitted to, any court, and any such suit or proceeding which shall have been instituted or remitted before the commencement of this Act shall forthwith be stayed:

Provided that nothing in this section shall be construed as prohibiting the institution or prosecution of an appeal against any decree, order or judgment passed, made or given in any such suit or proceeding before the commencement of this Act, or as requiring any such appeal to be stayed.

(2) No order for costs shall be made in any suit or proceeding which is stayed in accordance with this section.

Decrees, etc. in suits or proceedings to which Act applies not to be enforced without consent

5.-(1) Notwithstanding the provisions of any law to the contrary, no decree, order or judgment passed, made or given before the commencement of this Act in any suit or other proceeding to which this Act applies, and no decree, order or judgment against a local authority passed, made or given either before or after the commencement of this Act on an appeal from any such first mentioned decree, order, or judgment, shall be executed or in any way enforced against a local authority or any property of or due to the local authority, except with the consent of the President and subject to such conditions or limitations as he may impose, and any suit or other proceeding which shall have been instituted before the commencement of this Act for any such execution or enforcement of any such decree, order or judgment shall forthwith be stayed.

(2) No order for costs shall be made in any suit or other proceeding which is stayed in accordance with this section.

(3) Notwithstanding the provisions of subsection (1) of this section, an order (including a direction in a decree or judgment) for the payment of the costs of and incidental to an appeal from any decree, order or judgment passed, made or given before the commencement of this Act in any suit or other proceeding to which this Act applies (but no other order or direction for costs in any such suit or other proceedings) may be executed and enforced against a local authority.

Passed in the National Assembly on the fifth day of December, 1963.

Pius Msekwa
Clerk of the National Assembly