

**THE DECENTRALISATION OF GOVERNMENT
ADMINISTRATION (INTERIM PROVISIONS) ACT, 1972**

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



No. 27 OF 1972

I ASSENT,

Julius K. Nyerere
President

17TH AUGUST 1972

An Act to confer upon the Prime Minister power to make provisions for the Decentralisation of the Administration of Government by Dissolution of Local Authorities and Establishment of District Development Councils, to provide for the functions of District Development Councils and for matters incidental, thereto or connected therewith

[1ST JULY, 1972]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Decentralisation of Government Administration (Interim Provisions) Act, 1972 and shall be deemed to come into operation on the first day of July, 1972.

Short title and commencement

2. This Act shall, unless sooner repealed, expire on the 1st day of July, 1973.

Act to expire on 1st July, 1973 Interpretation

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

"Development Council" means a District Development Council established under this Act for any district;

"Development Director" means-

- (a) in relation to a region, the Regional Development Director;
- (b) in relation to a district, the District Development Director;

"district", means a district which is not wholly within the area of the jurisdiction of a Municipal or Town Council;

"effective date" in relation to any local authority or District Development Council means the date on which the order under subsection (1) of section 7 dissolving such local authority and establishing such District Development Council comes into operation;

"functional officers" means-

- (a) in relation to a region, the public officers responsible for matters relating to health, education, agriculture, natural resources, commerce and industries, ujamaa and co-operative development, public works, water and land development in the region;
- (b) in relation to a district, the public officers responsible for matters relating to health, education, agriculture, natural resources, commerce and industries, ujamaa and co-operative development, public works, water and land development in the district;

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"local authority" means a District Council established under the Local Government Ordinance;

"Minister" means the Prime Minister;

"Regional Development Committee," means a Regional Development Committee established by section 6 of this Act;

"staff officers" means-

- (a) in relation to a region, the Regional Planning Officer, the Regional Financial Controller and the Regional Personnel Officer;
- (b) in relation to a district, the District Planning Officer, the District Financial Controller and the District Personnel Officer.

Appointment of Development Directors and other officer

4-(1) The President shall appoint, respect of each region, a Regional Development Director.

(2) The President shall appoint in respect of each district, a District Development Director.

(3) There shall be appointed for, or posted to, every region and every district-

- (a) staff officers;
- (b) functional officers;
- (c) such number of other officers as may be necessary to assist the Development Directors in the performance of their functions,

and all such appointments or postings shall be made in accordance with the provisions of the Civil Service Act, 1962.

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Modification of laws regulating civil service

5.-(1) For the purposes of the laws regulating civil service-

- (a) the Regional Development Director for a region together with all the officers appointed for or posted to that region or the districts within the region in accordance with the provisions of section 4 shall constitute a Department of the Government to be known as Regional Directorate;
- (b) the District Development Director of a district together with all the officers appointed for or posted to that district in accordance with the provisions of section 4 shall constitute a Division of the Regional Directorate of the region within which the district lies and shall be known as District Directorate
- (c) the functions conferred upon a Principal Secretary shall, in relation to a Department constituted by paragraph (a), be exercised by the Regional Development Director;
- (d) the functions conferred upon the Head of a Division shall in relation to a Division constituted by paragraph (b), be exercised by the District Development Director.

(2) The functions conferred upon the various public officers by subsection (1) shall be exercised by them in accordance with the provisions of the Civil Service Regulations, 1970 and any directions which the Principal Secretary to the President's Office may give in that behalf.

(3) Notwithstanding the provisions of the Civil Service Act, 1962 or of any regulations made thereunder, or of any other written law including this Act, the President or, as the case may be, the Prime Minister may, by writing under his hand, delegate to a Principal Secretary or a Development Director all or any of the functions of appointment, termination of appointment, dismissal, transfer or promotion of all or any of the officers referred to in section 4.

6. (1) There is hereby established, in respect of every region, a Regional Development Committee.

Regional
Development
Committee

(2) Each Regional Development Committee shall consist of-

- (a) the Regional Commissioner for the region, who shall be the Chairman;
- (b) the Regional Chairman of the Party for the region;
- (c) the Area Commissioners of the districts within the region;
- (d) all constituency members of the National Assembly representing the constituencies within the region;
- (e) the Regional Development Director appointed for the region;
- (f) the District Chairmen of the Party for the districts within the region;
- (g) the District Development Directors for the districts within the region.

(3) The Regional Development Director shall be the Secretary of the Regional Development Committee.

(4) The staff officers and the functional officers appointed for the region shall be entitled to attend meetings of the Regional Development Committee but shall not be entitled to vote.

(5) The Minister may appoint not more than four other members who shall be entitled to attend the meetings of the Council but not to vote.

7.-(1) The Minister may, by order published in the *Gazette*, declare that the district specified in the order shall, with effect from such date as may be specified in the order (hereinafter referred to as "the effective date"), be a district to which this section shall apply.

District
Development
Council

(2) Where an order under subsection (1) is made in respect of a district-

- (a) there shall be established, in respect of that district, a District Development Council;
- (b) the local authority, if any, having jurisdiction over that district, shall stand dissolved with effect from the effective date.

- (3) Every District Development Council shall consist of-
- (a) the District Chairman of the Party, who shall be the chairman;
 - (b) the Area Commissioner for the district;
 - (c) an the constituency members of the National Assembly representing the constituencies within the district and all National members of the National Assembly ordinarily resident within the district;
 - (d) all persons who were, immediately before the dissolution of the local authority having jurisdiction over such district, elected members of the local authority representing the wards within the district;
 - (e) the District Development Director for the district;
 - (f) where a portion of the district is within the area of the jurisdiction of a Municipal Council or a Town Council, the Town Clerk of such council.

(4) The District Development Director shall be the secretary to the District Development Council.

(5) The Staff Officers and the functional officers appointed for the district shall be entitled to attend meetings of the District Development Council but shall not be entitled to vote.

(6) Every District Development Council shall be a body corporate having perpetual succession and a common seal and shall be capable in law of suing and being sued in its corporate title and of purchasing, holding and alienating land and other property, moveable or immovable.

(7) Every District Development Council shall have jurisdiction over the whole of the district in respect of which it is established:

Provided that a District Development Council shall have no jurisdiction over any area of the district which is within the jurisdiction of a Municipal Council or a Town Council.

8.-(1) On the dissolution of a local authority consequent upon an order made under subsection (1) of section 7 the following provisions shall apply:-

- (a) all the powers and functions vested in the local authority immediately before the effective date shall vest in the District Development Council and, subject to the provisions of this Act and of any regulations made under this Act in that behalf, the District Development Council may exercise such powers and functions to the mm extent as they could have been exercised by the local authority immediately preceding the effective date;
- (b) all the assets and liabilities which were vested in the local authority immediately before the effective date shall, by virtue of this section and without further assurance, vest in the United Republic;
- (c) all the by-laws made by the local authority and in force immediately before the effective date shall continue in force as by-laws made by the District Development Director or, where by an order under subsection (2) the function of making such by-laws is transferred to any other person or authority, such other person or authority;
- (d) every licence, registration or permit issued or granted by the local authority shall continue in force for the period specified, in such licence, registration or authority.

Effect of
dissolution
of local
authority

(2) Notwithstanding the provisions of subsection (1) the Minister may, by order in the *Gazette*, vest any function or power of the former local authority in the person or body of persons specified in the order and upon such order being made, such person or body of persons may, subject to the directions of the Minister, exercise such function or power in the same manner and to the same extent as it could have been exercised by the local authority before the effective date.

(3) The Minister may, by order in the *Gazette*, transfer any asset or liability vested in the United Republic by virtue of the operation of paragraph (b) of subsection (1) to any person or body of persons specified in the order.

(4) Where by an order under subsection (3) any asset or liability is transferred to any person or body of persons, such asset or liability shall, by virtue of such order and without further assurance, vest in such person or body of persons with effect from the date specified in the order.

(5) Where any asset or liability of a local authority consists of any right or claim under any contract, agreement, bill of exchange, promissory note, cheque, guarantee or other instrument whatsoever to which the local authority is a party, such instrument shall, in the event of the dissolution of the local authority under this Act, take effect as if-

- (a) where no order under subsection (3) is made in respect of such asset or liability or until such time as such order is, made, the United Republic were substituted for the local authority as a party thereto;
- (b) in the event of an order under subsection (3) being made in respect of such asset or liability, the person or body of persons specified in the order, were substituted as a party thereto.

(6) This section shall not apply to any right or liability under any contract of service under which any person was employed by a local authority immediately before the effective date.

9.-(1) Where in consequence of an order made under subsection (1) of section 7 a local authority is dissolved, every person who immediately before the effective date was in the employment of the local authority, whether under a contract of service with the local authority or by virtue of an appointment to the Local Government Service, shall, with effect from the effective date be deemed to have been appointed to the service of the United Republic on such terms and conditions as may be prescribed and such person's employment by the local authority before the effective date and his employment by the United Republic under this subsection shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, and, subject to such regulations as may be made in that behalf, the provisions of the said Severance Allowance Act, 1962 shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 8A.

Employees
of local
authorities

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(2) Subject to the provisions of any regulations made under this Act the laws regulating the terms of employment and superannuation benefits of persons employed in the service of the United Republic (whether such laws are written laws or unwritten laws) shall not apply to persons who become the employees of the United Republic by virtue of the operation of this section:

Provided that the provisions of the Civil Service Act, 1962 providing for termination of appointment in the public interest and the, provisions of the Civil Service Regulations, 1970 relating to disciplinary offences and proceedings for such offences shall apply to every such employee.

(3) Regulations made under this Act governing the terms of employment of persons who become employees of the United Republic by virtue of the operation of this section may provide for such superannuation benefits as the Minister may consider just and equitable and may modify the provisions of any written law in its application to such employees:

Provided that no such regulation shall have the effect of extinguishing the right of any such employee who was, immediately before the effective date, a depositor under the Provident Fund (Local Authorities) Ordinance to the payment to him of the aggregate of the sums of money contributed by him to the Fund established by that Ordinance, save in the circumstances in which such right would be extinguished by virtue of the operation of any provision of that Ordinance or of any regulation made thereunder.

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Functions
of the
Regional
Development
Committees

10. The functions of a Regional Development Committee shall be—

- (a) to consider, advise upon, formulate and implement development projects affecting the whole of the region;
- (b) to advise upon and assist in the implementation of development projects undertaken in respect of any district within the region by the District Development Council of that district;
- (c) to do all such acts and things as it may be directed to do by the Minister or which, in its opinion, are necessary for the efficient performance of its functions.

Functions
of the
District
Development
Councils

11. Every District Development Council shall-

- (a) be responsible for the planning and implementation of projects and programmes affecting agriculture, public health, education, commerce, industry, promotion and development of ujamaa and Co-operative movements, natural resources, public works, water and land development within the district for which it is established;
- (b) perform functions vested in it by virtue of the operation of section 8;
- (c) perform such other functions as may be conferred upon it by the Minister by directions in writing.

12.-(1) Every District Development Council shall establish a District Development and Planning Committee which shall be vested with the functions of formulating projects and programmes for consideration by the Council and supervising the implementation of the projects and programmes approved by the Council.

District Development and planning committee

(2) The District Development and Planning Committee shall consist Of-

- (a) the Area Commissioner, who shall be the Chairman;
- (b) the District Chairman of the Party;
- (c) the District Development Director, who shall be the Secretary;
- (d) all persons who are members of the District Development Council by virtue of being members of the National Assembly;
- (e) the staff officers and the functional officers of the district;
- (f) not less than ten other members elected by the District Development Council from amongst its members who were immediately before the effective date elected members of the local authority:

Provided that where the number of such elected members exceeds forty not more than one-fourth of such number shall be elected to the Committee.

13. A District Development Council may, in addition to the District Development and Planning Committee, establish such other Committees as it may consider desirable and may delegate to such committees such of its function as it may think fit.

Other Committees of District Development councils

14.-(1) Subject to any regulations made in that behalf or any directions given by the Minister, every Regional Development Committee of District Development Council and District Development and Planning and Committee shall have the power to regulate its own procedure.

Proceedings of committees and Council

(2) Subject to any directions given by the District Development Council a committee established by the Council under section 13 shall have the power to regulate its own procedure.

15. Parliament may, in an Appropriation Act, provide for allocation of funds to every region to meet the estimated expenditure of the Regional Directorate and for the implementation of the development Projects and programmes in the region and in every district in the region:

Allocation of Funds

Provided that for the financial year 1972/73 the Minister for Finance may, in exercise of the powers conferred upon him by the Appropriation Act for such financial year, reallocate funds to the regions from allocations made to other Ministers and Departments.

Administra-
tion of fund's

16. (1) Funds allocated to a region under section 15 shall be administered, by the Regional Development Director:

Provided that where any such funds relate to the implementation of any project or programme the responsibility for the implementation of which is vested in the District Development Director of a district in the region, the Regional Development Director shall, as soon as may be practicable after the allocation of the funds to him, allocate -such funds to such District Development Director who shall administer the same.

(2) Every Regional Development Director shall be responsible for the proper administration of funds allocated to the region and shall be the accounting officer in relation to such funds.

Protection
of members
of councils,
committees,
etc.

17. No matter or thing done or omitted to be done by any member or officer of a Regional Development Committee, a District Development Council, a District Development and Planning Committee or any other committee established under this Act shall, if such act or thing was done or omitted to be done by such member or officer in the *bona fide* performance of his functions as such member or officer, render him personally liable for any action, liability, claim or demand whatsoever:

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Acts 1970
No. 7

Provided that this section shall not be construed as exempting any such member or officer from proceedings under section 284A of the Penal Code or from the provisions of the Specified Officers (Recovery of Debts) Act, 1970 in respect of such act or omission.

Provisions
relating to
elected
members

18.(1) In this section "elected member" means a person who becomes a member of a District Development Council by virtue of his having been, immediately before the effective date, an elected member of the local authority.

(2) Where circumstances arise whereby an elected member would, if the local authority had continued in existence, have become disqualified to continue as an elected member of the local authority, he shall cease to hold office as a member of the District Development Council.

Acts, 1970
No. 25

(3) Where a vacancy occurs in the number of elected members or, where such vacancy occurred before the effective date and no step has been taken under the Elections Act 1970 to fill such vacancy, the Minister may appoint a member to fill such vacancy:

Provided that any member appointed under this subsection shall not be qualified for election as a member of the District Development and Planning Committee.

(4) Where a vacancy occurred in the number of elected members of a local authority before the effective date, and a step to fill such vacancy was taken before such date, an election for a member to fill such vacancy shall, unless the Minister otherwise directs, be held as if the local authority had not been dissolved and the person elected shall be an elected member of the District Development Council.

(5) For the purposes of this section a step to fill a vacancy in the number of elected members shall be deemed to have been taken only if final nominations of candidates for election have been made under Part 3 of Chapter IV of the Elections Act, 1970.

19. Where in the opinion of the Minister it is necessary to amend any written law in order to effectively carry out the purposes and provisions of this Act he may, by order in the *Gazette*, amend such written law in such manner as he may deem necessary, and every such amendment shall take effect as if it were provided for in this Act.

Minister
may amend
laws

20. The Minister may make regulations for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations-

Regulations

- (a) regulating the quorum, proceedings and meetings of the Regional Development Committees, District Development Councils and District Development and Planning Committees;
- (b) providing for any matter or thing which may be provided for by regulations or which may be prescribed.

21. The Minister may give any Regional Development Committee or District Development Council any direction of a general or specific character, and such Committee or Council shall comply with such direction.

Directions

22. The Minister may, by order in the *Gazette*, make such further transitional provisions (not inconsistent with any provision of this Act) consequent upon dissolution of local authorities and establishment of District Development Councils as he may consider necessary.

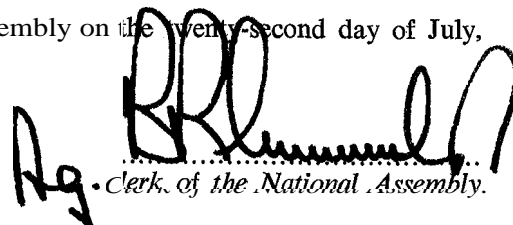
Further
transitional
provisions

23. If upon or before the expiry of this Act an Act of Parliament to provide for the continuation of Regional Development Committees, District Development Councils, District Development and Planning Committees and other committees established by or under this Act has not been enacted or, if enacted, has not come into operation, the President may, by Proclamation under his hand and seal, provide for the continuance in operation of this Act until repealed by an Act of Parliament:

Effect of
expiry of
this Act

Provided that no order under section 7, section 19 or section 22 shall be made on or after the date of such expiry.

Passed in the National Assembly on the twenty-second day of July, 1972.


Ag. Clerk of the National Assembly.