

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1978

I ASSENT


President

19TH MAY, 1978

An Act to provide for establishment of Urban Councils, to provide for the functions of such Councils and for matters incidental thereto or connected therewith

[1ST JULY, 1978]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Urban Councils (Interim Provisions) Act, 1978 and shall come into operation, on the first day of July, 1978.

2. This Act shall, unless sooner repealed expire on such date as the President may by order in the Gazette prescribe.

3. In this Act, unless the context otherwise requires-
"area" in relation to A Council, means the municipality or town as the case may be for which the Council has been established under this Act;

"Commissioner" means an Area or Regional Commissioner appointed to be the Commissioner for an urban area;

"Council" means-

- (a) in relation to city a City a Municipal Council;
- (b) in relation to a municipality, a Municipal Council;
- (c) in relation town, a Town Council;

established or deemed to have been established under this Act;

Short title and commencement

Duration of Interpretation

Interpretation

- Acts, 1972
No. 77
- "City Council" means a council proclaimed or deemed to have been proclaimed as such a council, under this Act;
- "committee" means committee of a council;
- "Decentralization Act" means the Decentralization of Government administration (interim Provisions) Act, 1972;
- "Director" means-
- (a) in relation to a city, the City Director appointed for that city;
 - (b) in relation, to a municipality the Municipal Director appointed for that Municipality;
 - (c) in relation to a town the Town Director appointed for that town.
- "effective date" in relation to any local authority means the date on which the order under subsection (1) of section 4 comes into operation;
- "functional officers" shall have the meaning assigned to it under the Decentralization Act;
- "local authority" means a District Development Council established under the Decentralization Act;
- "Minister" means the Minister for the time being responsible for matters connected with Regional Administration;
- "Municipal Council" means a Municipal Council established or deemed to have been established under this Act, and includes municipal council on which by proclamation the status of a city council has been conferred;
- "municipality" means an area declared or deemed to have been declared a municipality under this Act, and includes a municipality on which, by proclamation the status of a city council has been conferred.

PART II

ESTABLISHMENT OF URBAN COUNCILS

- Establishment of Urban Councils
- Cap. 105
- 4.**-(1) The minister may by order published in the Gazette declare-
- (a) any area defined in the order to be municipality or a town:

Provided that the President shall have power to confer upon any municipality the status of a city.
 - (2) Every area for which immediately before the coming into operation of the Decentralization Act-
 - (a) a municipality was conferred the status of a city, such municipality shall be deemed to be a municipality for which the status of a city, has been conferred under this Act;
 - (b) a municipal council was constituted under the Municipality Ordinance, shall be deemed to have been declared a municipal council under this Act;

(c) a town council was constituted under the Local Government Ordinance, shall be deemed to be a town council under this Act, and shall be known by the name by which it was known immediately before the coming into operation of the said Decentralization Act;

Cap. 333

Provided that where, on or after the coming into operation of the said Act, the boundaries of a Council have been altered so as to include any area which prior to, the coming into operation of that Act was part of a rural district, the Minister shall have power to declare such area as part of an urban council or rural district.

(3) The local authority, if any, having jurisdiction over an area which under this section has been declared or is deemed to have been declared a municipality, or a town, shall cease to have any jurisdiction over that area, from the effective date.

5.-(1) Every City Council established or deemed to have been established under this Act shall consist of—

Constitution
Of Council

- (a) the chairman of the Party, who shall be styled as "Mayor", and who shall be chairman;
 - (b) a representative of the Commissioner;
 - (c) the City Director for the City;
 - (d) the constituency members of the National Assembly representing constituencies within the City and the National member of the National Assembly;
 - (e) one person elected from each of the urban wards;
 - (f) such other members who shall not exceed five who shall be appointed by the Minister;
- (2) Every municipal council shall consist of—
- the Municipal chairman of the Party, who shall be styled as "Mayor", and who shall be chairman;

- (b) a representative of the, Commissioner for the municipality;
 - (c) the Municipal Director;
 - (d) the constituency member of the National Assembly representing the town and the National member of the National Assembly;
 - (e) one person elected from each of the urban wards;
 - (f) such other members who shall not exceed five and who shall be appointed by the Minister;
 - (g) such other members who shall not exceed three representing the Regional Development Committee of the region concerned,
- (3) Every town council shall consist of—
- (a) the town Chairman of the Party, who shall be Chairman;
 - (b) a representative of the Commissioner;

- (c) a town council was constituted under the Local Government Ordina-
- (d) the constituency member of the National Assembly representing the town and the National member of the National Assembly;
- (e) one person elected from each of the urban wards;
- (f) such other members who shall not exceed five who shall be appointed by the Minister;
- (g) such other member who shall not exceed three representing the Regional Development Committee of the region concerned.

(4) The functional officers appointed for the council shall be entitled to attend meetings of the council but shall not be entitled to vote.

(5) The Director shall be the Secretary to the Council.

(6) Every 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 tide and of purchasing, holding and alienating land and other property, moveable or immovable.

(7) Every Council shall have jurisdiction over the whole of the area in respect of which it is established.

6.-(I) The President shall appoint in respect of each Council a - Director.

Appointment
of Develop-
ment
Director

(2) The Director shall be the Chief Executive and Administrative Officer of the Council for which he is appointed and shall be responsible for co-ordinating the whole of the work of the council, for convening ail the meetings of the council and its committee, and shall advise the council and its committees on all matters upon which his advice is necessary.

Council to
establish
Committees

7.-(1) Every council shall establish the following committees: -

- (a) Finance and Administration Committee;
- (b) Urban Planning Committee;
- (c) Public Health and Social Welfare Committee.
- (d) Works Committee;
- (e) Education and Culture Committee-,
- (f) Trade and Economic Committee.

(2) The Council may delegate to any committee any of its functions.

(3) The number of the members of a committee appointed under this section and their term of office shall be such as may from time to time be fixed by the Council.

(4) A committee appointed under this section may include persons who are not members of the council;

Provided that-

(i) no person other than a councillor shall be a member of the Finance and Administration Committee;

(ii) not less than two-thirds of the members of a Committee, other than the Finance and Administration Committee, shall be members of the Council.

8.(1) The provisions of the Municipalities Ordinance relating to the proceedings of councils officers of the Councils, financial provisions, accounts, audit, recovery of debts, powers and duties of Councils, power to make by-laws, powers to issue licences, special powers and legal procedure shall apply in relation to a municipal council established or deemed to have been established under this Act.

Provisions of certain laws to apply

(2) The provisions of the Local Government Ordinance relating to the meetings and proceedings of authorities, appointment of committees, duties and functions of authorities, powers to make by-laws, acquisition of land, financial provisions, rates, requisitions, and legal proceedings shall apply in relation to a town council established or deemed to have been established under this Act.

(3) The Local Government Ordinance shall apply to and in relation to a Town Council established or deemed to have been established under this Act as 'if there was substituted for references in that Ordinance to District Council references to Town Council.

(4) For the avoidance of any doubt, and without prejudice to the generality of section 8 (1) and (2) it is hereby declared that-

(a) during the first year and for as long as this Act continues in operation, Parliament shall allocate funds to every council to meet the estimated expenditure of the council and any money which the council may collect by way of issuing of licences or under any of its authority to collect money, shall be paid to the Consolidated Fund, but the Minister may reallocate that money to the Council;

(b) funds allocated to a council under paragraph (a) shall be administered by the Director of each council;

(c) every Director shall be responsible for the proper administration of funds allocated to his council and shall be the accounting officer in relation to such funds.

Transitional provisions relating to elected members of local council

9.-(1) In this section "Elected members" means a person who becomes a member of a Council by virtue of his having been, immediately before the effective date, an elected Member of the District Development Council.

(2) Where circumstances arise whereby an elected member would, if the District Development Council 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 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.

(4) Where a vacancy occurs in the number of elected members of a District Development council before the effective date, and a step to U 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 District Council had continued to exercise jurisdiction, and the person elected shall be an elected member of the Council.

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

PART III

MISCELLANEOUS PROVISIONS

Effect of local authority ceasing to have jurisdiction

10.-(1) Upon a local authority ceasing to have jurisdiction consequent upon an order made under subsection (2) of section 4 the following provisions shall apply—

(a) all the power and functions vested in the local authority immediately before the effective date shall vest in the council and subject to the provisions of this Act tin that behalf,the Council may exercise such powers and functions to the same extent as they could have been exercised by the local authority immediately preceding the effective date;

Cap. 105

(b) All the by-laws made under the Municipality Ordinance the Local Government ordinance and those made by the local authority and inforce immediately before the effective date shall continue in force as by-laws made by the council established under this Act or, where by an order under subsection (2) the functions of making such by-laws is transferred to any other person or authority, such other person or authority;

Cap. 333

(c) 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.

(2) Notwithstanding the provision of subsection (1) the Minister may, by order in the Gazette, vest any function a: 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, such to the directions of the Minister, exercise such function or power of the Minister, exercise such functions 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.

11. Where in the opinion of the President 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 published 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.

President
may amend
laws

12. 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 council and of any committees which may be formed;
- (b) providing for any matter or thing which may be provided for by regulations or which may be prescribed

13. The Minister may give to any Council any direction of a general or specific character, and such council shall comply with such direction.

Direction

14. The Minister may, by order in the Gazette, make such, further transitional provisions (not inconsistent with any provision of this Act) consequent upon establishment of Urban Councils as may consider necessary.

Further
transitional
provisions

15. The Decentralization Act is amended-

Amendments

- (a) in section 7, by deleting from that section sub-paragraph (e) I and by re-lettering the rest of the paragraphs as (e) and (f).

16. Save as provided in this Act, this Act shall apply notwithstanding the provisions of any of other law.

Act to apply
not withstand-
ing provision
of any other
law

Passed in the National Assembly on the fifteenth day of April, 1978.

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