

THE UNITED REPUBLIC OF TANZANIA



No. 12 OF 1982

I ASSENT,

Julius K. Nyerere

President

28TH OCTOBER, 1982

An Act to amend the Decentralization of Government Administration (Interim Provisions) Act, 1972, in consequence of the re-establishment of local government authority

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1.-(1) This Act may be cited as the Decentralization of Government Administration (Interim Provisions) (Amendment) Act, 1982, and shall be read as one with the Decentralization of Government Administration (Interim Provisions) Act, 1972, in this Act referred to as "the principal Act".

Short title, construction and commencement

(2) This Act shall come into operation on the specified date.

2. The principal Act is hereby amended by deleting its long title and, substituting for it the following title:

Replacement of long title

"An Act to make provision for the continuance, and the better execution of the policy of decentralization of government administration, in consequence of the re-establishment of local government "authorities"

3. Section 3 of the principal Act is hereby amended-

Amendment of section 3.

(a) by deleting the definition "Development Council";

(b) by deleting the definition "Development Director" and substituting for it the following definition:

"Development Director" means the Region Development Director for a region;

(c) by inserting, immediately before the definition "district" the following definitions:

"the Act" means, in relation to a district authority, the Local Government (District Authorities) Act, 1982, and in relation to an urban authority, the Local Government (Urban Authorities) Act, 1982;

"the Committee" means, in relation to a district, the District Development Committee established by section 12 and, in relation to a region, the Regional Development Committee established by section 6;

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"the Director" means, in the case of a district council, the District Executive Director, and in the case of an urban authority; the Director for that authority";

(d) by deleting the definition "district" and substituting for it the following:

"district" means any part of Mainland Tanzania proclaimed or deemed to have been proclaimed by the President to be a district pursuant to powers conferred on him by the Constitution";

(e) by inserting after the definition "district" the following definitions:

'district authority" means a district council, a township authority or village, council established under the Act;

'urban authority" means a town council, a municipal council or a city council established under the Act";

(f) by deleting the definition "the effective date" and substituting for it the following:

"the effective date meant the date on which the Act shall come into operation;"

(g) by deleting the definition "functional officers";

(h) by deleting the definition "local authority" and substituting for it the following:

"local government authority" means any district authority or, as the case may be, urban authority";

(i) by deleting the definition "Minister" and substituting for it the following:

, Minister" means the Minister for the time being responsible for regional Administration;"

(j) by deleting the definition "staff officers";

(k) by adding at the end of section 3 of the following definition:

"Ward Development Committee" means the Committee established by section 31 of the Act;

Amendment
of section 4

4. Section 4 of the principal Act is hereby amended-

(a) by deleting the words "Development Director" and substituting for them the words "Administrative Officer";

(b) by deleting sub-section (3), and substituting for it the following subsection:

"(3) There shall be appointment for or posted to, every district such number of other officer, and who are specialists in such fields, as may be necessary for the proper execution of the functions of the Government in the region and in the district".

kepeal of
section 5

5. Section of the principal Act, which relates to the modification of laws regulating the civil service, is hereby repealed.

Amendment
of section 6

6. Section 6 of the principal Act is hereby amended-

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

"(2) Each Regional Development Committee shall consist of-

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- (a) the Regional Commissioner for the region, who shall be the Chairman;
 - (b) the Regional Chairman of the Party;
 - (c) the Regional Secretary of the Party,;
 - (d) the Area Commissioners for the districts within the region;
 - (e) the District Chairman of the Party for all districts in the region;
 - (f) the District Secretaries of the Party for all districts in the region;
 - (g) the Chairman of all district councils and all urban authorities within the region;
 - (h) the chief executive officers of all district councils and all urban authorities within the region;
 - (i) members drawn two each from all district councils and all urban authorities within the region;
 - (j) Members of Parliament representing all constituencies within the region;
 - (k) the National Member of Parliament elected by the National Assembly from among persons nominated by the Regional Development Committee of the region;
 - (l) any other National Member of Parliament who is resident within the region, and
 - (m) the member of the National Executive Committee of the Party elected from the region.
- (b) by deleting subsection (3) and substituting for it the following:
- "(3) The Regional Development Director for the region shall be the Secretary of the Regional Development Committee
- (d) by deleting subsections (4) and (5).

7. Section 7 of the Principal Act is hereby repealed.

Repeal of
Section 7

8. Section 8 of the Principal Act is hereby repealed.

Repeal Of
Section 9

9. Section 9 of the principal Act is hereby repealed.

Repeal of
Section 9

10. Section 10 of the principal Act is hereby repealed and replaced by the following:

Replacement
of section 10

10. The functions of the Regional Development Committee shall be-

(a) to interpret for local government authorities within the region the policy for the Government on any matter in any sector in relation to which any authority performs its functions;

- (b) to consider and provide advice to local government authorities regarding their development plans and to seek the attainment of the targets set in relation to any project or programme of a local government authority;
- (c) to consider and advice upon all economic and development affairs in the region;
- (d) to consider and make recommendation to the appropriate proper officer and to local government authorities the development budgets of the authorities;
- (e) to consider reports and advice the Government on ministerial. development projects, programmes and activities affecting or relating to the- region;
- (f) to consider reports and advice in the activities-of parastatals and of co-operative societies operating in the region;
- (g) to promote and supervise the execution of government plans and programmes within the region;
- (h) 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 and effective performance of its functions.

Repeal of
section 11

11. Section I I of the principal Act, which relates to the functions of the District Development Council, is hereby repealed.

Replacement
of section

12. Section 12 of the principal Act is repealed and replaced by the following:

- "District Development Committee
- 12.-**(1) There is hereby established, in respect of every district, a District Development Committee.
- (2) The District Development Committee shall consist of-
- (a) the Area Commissioner for the district, who shall be the chairman;
 - (b) the chairman of the district council, or in the case of an urban district, the mayor of the municipality;
 - (c) all members of the finance and planning committee of the district council;
 - (d) all members of the finance and administration committee of the town or municipal council within the district;
 - (e) all Members of Parliament within the district;
 - (f) the chief executive officer of the district council, and the town or municipal council within the district;
 - (g) all divisional secretaries within the district.
- (3) The District Administrative Officer shall be the Secretary of the District Development Committee"

Insertion of
new section
12A.

13. The Principal Act is hereby amended by inserting immediately after section 12, the following new section:

'Functions of the District Development Committee shall be-

12A. The functions of the District Development Committee shall be-

(a) to consider and advise upon all economic and development affairs in the district;

(b) to assist and advise the district council and the urban council in the formulation of their development budgets;

(c) to consider and advise the Government on ministerial development projects, programmes and activities affecting or relating to the district;

(d) to consider reports and advise on the activities of parastatals and of co-operative societies operating in the districts;

(e) to consider reports and advise on the implementation within the district of the plans, projects and by-laws of the district council, the township authorities and the village councils;

(f) to do all such acts and things as it may deem necessary or desirable for the economic development or the maintenance of order and good government within the district.

14. Section 13 of the principal Act is hereby repealed and replaced by the following;

Replacement of section 13

"Sub-committees 13. A Regional Development Committee and a District Development Committee may each establish such sub-committees, as it may consider desirable for, or conducive, to the efficient and expeditious execution of its duties, and may each delegate to such sub-committee such of its functions as it may think fit".

15. Section 14 of the principal Act is hereby repealed and replaced by the following-

Replacement of section 14

"Proceedings of committee etc. 14.-(1) Subject to any regulations made in that behalf or any directions given by the Minister, every Regional Development Committee and every District Development Committee may regulate its own procedure.

(2) Subject to any directions given by the Regional Development Committee or, as the case may be the District Development Committee, every sub-committee may regulate its own procedure.

(3) The validity of any act or decision taken at any meeting of the Regional Development Committee, the District Development Committee or any of their sub-committees shall not be affected by any vacancy in their respective membership or and defect in the appointment of the persons attending any of their respective meetings.

16. Section 15 of the principal Act, which relates to the allocation of funds among Regional Directorates, is hereby repealed.

17. Section 16 of the principal Act, which relates to the re-allocation and administration of funds within Regional Directorates, is hereby repealed.

18. Section 17 of the principal Act, is hereby repealed and replaced by the following:

Liability of members etc cap 16 Acts 1970 No 7 Acts 1970 No. 37

17.- (1) Without prejudice to the provisions of section 28A of the Penal Code or of the Specified Officer (Recovery Debts) Act, 1970 or of the Parastatal Employees (Recovery of Debts) Act, 1474, no act or thing done or omitted by any member of a Regional Development Committee, a District Development Committee or of any of their respective sub-committees, sub-committees, shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member, subject any such person to any action, liability or demand of any kind, subject to subsection (2).

(2) Where in any proceeding a question arises regarding the *bona fides* of any act done or omitted in the purported pursuance of the functions of Committees or any of its sub-committees, the burden of proving that the act in question was done or omitted *bonafide* shall lie on the person alleging that it was so done."

Repeal of section 18 19. Section 18 of the principal Act, which relates to provisions relating to elected members of the District Development Council, is hereby repealed.

Repeal of section 19 20. Section 19 of the principal Act, which relates to the power of the Minister to amend laws, is hereby repealed.

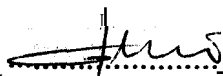
Amendment of section 20 21. Section 20 of the principal Act is hereby amended in paragraph (a), by deleting the words "District Development Councils" and substituting for them the words "District Development Committees" and by deleting the passage "and District Planning and Implementation Committees"

Amendment of section 21 22. Section 21 of the principal Act, which relates to directions by the Minister, is hereby amended.

Repeal of section 22 13. Section 22 of the principal Act is hereby repealed.

Repeal of section 23 24. Section 23 of the principal Act is hereby repealed.

Passed in the National Assembly on the thirtieth day of April, 1982.


Clerk of the National Assembly