

**THE LOCAL GOVERNMENT (URBAN AUTHORITIES)
ACT, 1982**

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THE UNITED REPUBLIC OF TANZANIA



No. 8 OF 1982

I ASSENT,

Julius K. Nyerere

 President

28TH JUNE, 1982

An Act to make better provision for the establishment of urban authorities for the purposes of local government, to provide for the functions of those authorities and for other matters connected with or incidental to those authorities

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1 .-(1) This Act may be cited as the Local Government (Urban Authorities) Act, 1982. Short title and commencement

(2) This Act shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

2. This Act shall apply to every urban authority established or deemed to have been established under this Act. Application

3.-(1) in this Act, unless the context requires otherwise- Interpretation
 ..appropriate authority¹⁹ when used in relation to any act, appointment, dismissal, licence, permit, matter or other thing, means the person, committee or other body of persons permitted, required or in any other way made responsible by this Act for doing the act, making the appointment or issuing the dismissal, licence or the permit or doing that matter or thing;
 "area" when used in relation to any urban authority, means the area in which the authority is established, or empowered by or under this Act or any other written law to exercise jurisdiction in accordance with this Act;

"Area Commissioner"-

- (a) when used in relation to a district, means the Area Commissioner for the district concerned;
- (b) when used in relation to any urban authority, means the Area Commissioner for the district in which that urban authority is established;

"the Assembly" means the National Assembly of the United Republic established by the Constitution;

Acts, 1981
No. 9

"the auditor" means the person or body of persons appointed by the appropriate authority pursuant to Head B of Part IV of the Local Government Finances Act, 1982, to audit the accounts of an urban authority, and includes, a person duly authorized in that behalf by the auditor for the purposes of that Part of that Act;

"this Act, includes any subsidiary legislation made and in force under this Act;

"authority" means an urban authority;

"Chairman"

- (a) when used in relation to an urban authority, means the Chairman of that authority, and in the case of a city or a municipality, the Mayor of the city or the municipality, as the case may be;
- (b) when used in relation to any committee or other body of persons, means the Chairman of that committee or that other body of persons, and includes the Vice-Chairman or the Deputy-Mayor of the urban authority, the committee or of the other body of persons, or any other person acting in the absence of the Chairman and the Vice-Chairman or the Deputy-Mayor, when he exercises the functions or discharges the duties of the office of Chairman or Mayor, as Chairman or Mayor, as the case may be, pursuant to this Act;

"city council" means a council established or deemed to have been established under this Act within the area of a city;

Acts 1982
No. 10.

"the Commission" means the Local Government Service Commission established by section 4 of the Local Government Service Act, 1982;

"committee"-

- (a) when used in relation to an urban authority, means a committee established or appointed by that urban authority under this Act;

- (b) when used in relation to a ward committee, means that committee;
- (c) when used in relation to a sub-committee means a sub-committee appointed by a committee;
- (d) when used in relation to any other committee, means that other committee;

"the Council"-

- (a) when used in relation to a town, means the town council for that town;
- (b) when used in relation to a municipality, means the municipal council for that municipality;
- (c) when used in relation to a city, means the city council for that city;

"court" means any court of competent jurisdiction which has jurisdiction over any part within the area of the authority;

"the District Authorities Act" means the Local Government (District Authorities) Act, 1982; Acts, 1982
No. 7

"director" means-

- (a) in relation to a town, the Town Director appointed for that town;
- (b) in relation to a municipality, the Municipal Director appointed for that municipality;
- (c) in relation to a city, the City Director appointed for that city;

"district authority" means a district council, a township authority or a village council;

"elected member" means a member of an urban authority elected to membership of that authority at an open election held for the purpose and in which all the residents of the area who are qualified to vote are allowed to participate and, where he is a member of the authority, includes each Member of Parliament for the parliamentary constituency in which the authority is situated or which forms a part of the area of the urban authority;

"the former Act" means the Urban Councils (Interim Provisions) Act, 1978; Acts, 1978
No. 11

"functions" includes powers and duties;

- "improvements" in relation to land means all work, other than building or work in connection with buildings, done on, in or under the land, and materials used on that work, by the expenditure of capital or labour in so far as the effect of that work or materials used is to increase the value of the land; but does not include machinery (whether fixed to the soil or not) or work, or materials used on it, done by the Government or by an urban authority or other public body unless the work has been paid for wholly or in part by the owner or occupier of the land, and, effected by that payment; save that the payment of rates and taxes shall not be deemed to be a payment for the purposes of this definition;
- "interest in land" includes interest in any building erected on the land;
- "joint-committee" means a committee appointed jointly by two or more urban authorities or between an urban authority and a district authority pursuant to section 48;
- "local government authority" means a district authority or an urban authority;
- "land" includes any interest in land and any easement or right in, to or over land;
- "member" in relation to any urban authority or committee, means a member of that authority or committee, and includes the Chairman or the Mayor, as the case may be;
- "Minister" means the Minister for the time being responsible for local government;
- "municipal council" means a council established or deemed to have been established under this Act within the area of a municipality;
- "municipality" means an area over which a municipal council is established or deemed to have been established under this Act;
- "occupier" means any person-
- (a) in actual occupation of land or buildings; or
 - (b) entitled to occupy land or buildings by virtue of a grant by their owner, and where the same land or buildings are occupied by several members of one family, means the person reputed to be head of that family;
- "the Party" means Chama Cha Mapinduzi and, in appropriate context, refers to an appropriate committee or other person or body of persons authorized under the constitution of the Party to perform the function relevant to the context in question for the purposes of this Act;

⁶⁶ "proper officer" in relation to all urban authorities means the Minister and, in relation to a town council and a municipal council "assistant proper officer" means the Regional Commissioner;

"Regional Commissioner" means-

- (a) in relation to a region, the Regional Commissioner for region concerned;
- (b) in relation to any urban authority, the Regional Commissioner for the region within which the urban authority is situated;

"the Scheme" means the Local Government Service Scheme for the time being in force formulated pursuant to section 5 of the Local Government Service Act, 1982;

"the Service" means the unified service of all employing authorities, otherwise known as the Local Government Service, the establishment of which is provided for by the Scheme;

"town" means an area over which a town council is established or deemed to have been established under this Act;

"urban authority" means a town council, a municipal council or a city council;

"waterworks" includes streams, springs, weirs, wells, bore holes, dams, pumping stations, reservoirs, tanks, sluices, machinery, buildings, land and all other works and things necessary for taking, impounding, discharging, storing, treating and filtering water.

(2) Where it is provided in this Act that any power may be exercised subject to the provisions of this Act, the provisions shall be read and construed as providing, in relation to any urban authority, or to all authorities, that the power may be exercised subject to those provisions of this Act which apply to that authority, or to all the urban authorities.

4.-(1) It shall be the duty of the Minister in relation to areas of Minister to work for development Of meaningful democratic local gov--ernment in urban areas

- (a) the promotion of local government;
- (b) the evolution, progressive development and perpetuation of local government institutions geared and devoted to the pursuance of meaningful involvement of and participation, by the people, in the making and implementation of decisions on matters affecting or connected with their livelihood and well-being at all local levels within urban authorities;

(c) securing the effective execution by urban authorities, subject to his guidance, control and direction, of the national policy on local government.

(2) In discharging the duty imposed on him by this section, the Minister shall be guided, subject to this Act, by the need to evolve, and to foster, sound principles of, participatory democracy as enshrined in the Constitution and elaborated upon by or in other written laws of the United Republic.

(3) The Minister shall ensure that there is available an adequate supply of Personnel trained, skilled or qualified for work in the various sectors or aspects of local government so as to secure the growth and development of an effective and efficient system of local government.

PART II

URBAN AUTHORITY AREAS, ESTABLISHMENT AND VARIATION OF AREAS OF URBAN AUTHORITIES

A-Establishment, etc.

Power to
establish
urban author-
ity

5.-(1) Subject to section 7, and to the 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, subject to subsection (3).

(2) In exercising the power conferred by subsection (1) the Minister shall comply with the national policy on the development of urban areas and may, subject to this Act, establish such number and types of urban authorities in such area or areas as he may deem necessary, expedient or desirable for the purposes of establishing, promoting, developing and maintaining an effective and efficient system of local government.

(3) Where the purpose sought to be achieved by the order under subsection (1) is only to confer on an existing municipality the status of a city, that order shall be made by the President; and where, in respect of an existing town, the purpose is to confer upon it the status of a municipality, the order to be made under subsection (1) shall confer on the existing urban area and its authority the new status, and shall determine the name by which that urban area and authority shall be known, and the order shall be deemed to have established the new urban authority.,

(4) The urban area of-

(a) a town council shall be known as a town;

(b) a municipal council shall be known as a municipality;

(c) a city council shall be known as a city, and shall be such area as shall be specified in the order made under subsection (1).

6. Every order made under section 5 shall-

Content of
establishment
order

- (a) specify the name or names of the urban area or areas in which and the date or dates on which an urban authority or authorities shall be established;
- (b) define the area in which the urban authority shall be established and over which it shall exercise jurisdiction;
- (c) prescribe the device and official seal of the urban authority, and may, in any appropriate case, include any ancillary matters such as the apportionment of assets, the continuance of by-laws and the effect on existing urban authorities of the establishment of the new urban authority or authorities.

7.-(1) No urban authority shall be established except in accordance with the procedure prescribed by this section.

Procedure for
establishment
of urban
authority

(2) Where it is intended to establish an urban authority in respect of any area or areas, the Minister shall, at least two months before making an establishment order under section 5, by notice published in the *Gazette*, and in any national newspaper or, as the case may be, any newspaper circulating in the area or areas in which it is intended to establish the urban* authority, give notice of the intention, indicating the general direction of the boundaries, and such other matters as he deems necessary, and call upon all interested authorities or persons affected, to lodge with him in writing any objections or other representations in such manner and within such time as may be prescribed.

(3) If, upon the expiration of the notice, no objection or other representations are received from any authority or person, the Minister shall proceed to make and publish in the *Gazette* the order under section 5.

(4) Where any objections or other representations are lodged in writing with the Minister pursuant to the notice given under subsection (2), the Minister shall cause to be delivered an acknowledgment to the authority or person lodging the objection or other representations concerned, and shall take into account the objections or representations in determining whether or not to establish the urban authority or determining the area of the urban authority to be established.

(5) As soon as possible under making the order under section 5, the Minister shall lay before the Assembly a copy of the notice issued under subsection (2), together with a copy of the order subsequently made under section 5.

Certificate of establishment 8.-(1) As soon as possible after the order made under section 5 and the notice issued under section 6 in respect of any urban authority have been tabled before the Assembly, and in any case not later than the date specified in the establishment order as its date of commencement, the Clerk of the Assembly shall furnish to the urban council or councils established or to be established, or whose boundaries are varied or are to be varied, as the case may be, a certificate under his hand containing the particulars prescribed by section 9.

(2) Every certificate of establishment shall be in quintuplicate, and the Clerk of the Assembly shall retain a copy and send the three remaining copies one each to the Minister, the Principal Secretary to the Treasury and the Regional Commissioner for the time being responsible for the region in which the urban authority in question is established.

Contents and effect of certificate 9.-(1) A certificate of establishment furnished under section 8 shall specify—

- (a) the name of the urban authority being established;
- (b) the total number of members;
- (c) the number of elected members and appointed members;
- (d) the place where the principal office of the authority shall be situated;
- (e) such other particulars as the Minister may from time to time determine.

(2) A certificate of establishment furnished under section 8 shall provide final authority for the establishment or the variation of the boundaries of an urban authority, shall be the statutory instrument signifying the delegation by the Assembly of legislative power to the urban authority in respect of its area of jurisdiction, and be conclusive evidence, in any proceeding, of the establishment of the urban authority concerned.

(3) Upon the issue of a certificate of establishment and the commencement of an order made under section 5 in respect of any area, whether or not the order is in respect of an existing urban authority, any reference in any written law, contract or other instrument or document to the local government authority in whose area an urban authority is established by the order shall be construed as a reference to the name of the urban authority as established by the order.

(4) Upon the issue of a certificate of establishment under section 8, where the area of the new authority was the area of a district authority, the district authority shall cease to exist and the affairs and operations of all persons and bodies of persons within that area shall be under the jurisdiction of the new authority, whose composition and operations shall be governed by this Act.

10.-(1) The Minister may, where he deems it necessary or expedient for the promotion of efficient and effective local government in urban areas, and after consultation with the urban authority and other local government authorities concerned, by order published in the *Gazette*, vary the boundaries of the area of any urban authority.

(2) The area of an urban authority may be varied under this section where-

- (a) a new local government authority is to be established in the area or part of the area of an existing urban authority;
- (b) an area of the urban authority is to be transferred from the jurisdiction of one urban authority to that of another;
- (c) it is intended to amalgamate or regroup an urban authority and any other local government authority.

(3) No order shall be made under this section to vary the area of an urban authority except in accordance with the procedure prescribed by section 7.

11. Where the boundaries of an urban authority are varied in consequence of an order made under section 10, the Minister shall, in the order providing for the variation or in a subsequent order, to which the provisions of section 7 shall apply, make provision for-

- (a) the apportionment of the franchise, property, incomes, debts and expenses and of all rights, interests, obligations and liabilities arising under contract in relation to the area or areas transferred as between the urban authority from which the area or areas are transferred and that to which it or they are transferred as a result of the variation in the boundaries;
- (b) the preservation, continuation or modification of rights of persons in the area or areas transferred arising from the operation in relation to them of the by-laws subsisting in the jurisdiction of the urban or district authority from which the area or areas are transferred;
- (c) the application of by-laws of the former urban or district authority or authorities to the new authority established through the amalgamation of two or more authorities.

12.-(1) Every urban authority established or deemed to have been established under this Part, and in respect of which there is in existence a certificate of establishment furnished under section 8 shall, with effect from the date of commencement of the establishment order, be a body corporate, and shall-

Urban authority
be body
corporate and to
be graded

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

(2) The Minister shall, for the purposes of the proper administration of the affairs of local government, categorise urban authorities into grades based on the size of the area, the population and the level of social and economic development within the urban authority in question.

(3) Where the Minister grades an urban authority he shall cause a notice to that effect to be published in the *Gazette*; but the **Minister may, in the order made under authority**, in addition to the particulars required to be incorporated in the order, designate the grade of the urban authority being established.

(4) The grading of any urban authority shall not affect its status as a body corporate, and it shall discharge its functions and exercise its powers under this Act notwithstanding its grade.

Existing
urban, author-
ities

13.-(1) Every urban council which was established or deemed to have been established under the former Act, and which is in existence immediately before the commencement of this Act, shall continue to be established, but shall be known as, and be deemed to be, an urban authority established under this Act.

(2) Where, in establishing any urban or other local government authority, the boundaries of an existing urban council, which is deemed to be an urban authority, are affected, the provisions of section 10 shall be invoked by the Minister only for the purposes of varying the area of that authority, and it shall not be necessary for the Minister to comply with section 7.

B-Urban Wards

Division of
area of urban
authorities
into wards

14.-(1) The Minister may, after consultation with the President, by notice published in the *Gazette*, divide the area of jurisdiction of an urban authority into such number of wards, for the purposes of this Act, as may be deemed necessary or desirable.

(2) The Minister may, from time to time, after consultation with the urban authority concerned, vary the boundaries of any ward or increase or reduce the number of wards within the area of the authority.

Establishment
of Ward
Committees

15.-(1) There shall be established in respect of each ward within an urban authority a ward committee.

(2) Every ward committee shall consist of-

- (a) the member representing the ward in the urban authority;
- (b) the chairmen of branches of the Party within the ward, other than branches at places of work;
- (c) the secretaries of branches of the Party within the ward, other than branches at places of work;
- (d) the Ward Secretary.

(3) There shall be a Chairman and a Vice-Chairman, both of whom shall be elected by the members from amongst themselves.

(4) The Ward Secretary shall be the secretary and chief executive officer of the ward committee.

16.-(1) Every ward committee shall have such functions as are conferred upon it by this Act or any other written law, and, in addition, it shall be the function of a ward committee-

Functions of
ward commit-
tees

- (a) to do all such lawful acts and things as are necessary or expedient for the implementation of decisions and policies of the urban authority, or for the economic and social development of the ward;
- (b) to promote the establishment and development of co-operative enterprises and activities within the ward;
- (c) to initiate or formulate and undertake any task, venture or enterprise designed to ensure the welfare and well being of the residents of the ward;
- (d) to plan and co-ordinate the activities of, and render assistance and advice to the residents of the ward engaged in any activity or industry of any kind;
- (e) to formulate, and submit to the urban authority, proposals for the making of by-laws in relation to affairs of the ward.

(2) A ward committee may do all such acts and things as may appear to it to be necessary, convenient or desirable for or in connection with the carrying out of its functions or incidental or conducive to their proper performance.

(3) A ward committee may establish sub-committees and delegate to such committees any of its functions.

Procedure for
implemen-
tion of
development
projects

17. Subject to this Act and to any general or specific directions of the urban authority in that behalf, a ward committee may, in enforcing the implementation of any development project within the ward, adopt such procedure or procedures as will appear to it to be best suited for or conducive to the speedy and correct realization of the purposes sought to be achieved by the project.

Ward com-
mittee rules

18.-(1) The proceedings of a ward committee shall, subject to this Act, be regulated in accordance with any directions given in that behalf by the urban authority concerned, subject to the following provisions of this Act.

(2) The validity of any act or decision taken at any meeting of a ward committee shall not be affected by any vacancy in its membership or any defect in the appointment of any of the persons attending the meeting.

PART III

COMPOSITION OF URBAN AUTHORITIES

Membership
of urban
authorities

19.-(1) Every town council shall consist of-

- (a) members elected one each from the wards within the town;
- (b) the Member of Parliament representing the constituency within which the town is situated;
- (c) if he is resident in the area of the council, the national Member of Parliament elected from the region in which the council is situated;
- (d) not more than five other members appointed by the Minister from among the residents of the town.

(2) Every municipal council shall consist of-

- (a) members elected one each from the wards within the municipality;
- (b) the Member of Parliament representing the constituency within which the municipality is situated;
- (c) if he is resident in the area of the municipality, the national Member of Parliament elected from the region in which the municipality is situated;
- (d) not more than five other members appointed by the Minister from among the residents the municipality.

(3) Every city council shall consist of-

- (a) members elected one each from the wards within the city;
- (b) the Member of Parliament representing the constituency within which the city is situated, or Members of Parliament representing constituencies within the area of the city council;
- (c) if he is resident in the area of the council, the national Member of Parliament elected from the region in which the council is situated;
- (d) not more than six other members appointed by the Minister from among the residents of the town.

(4) The Director of each urban authority shall be the secretary to that authority, shall attend all meetings of the authority but shall not vote at any of those meetings.

20.-(1) There shall be a Chairman and a Vice-Chairman for Chairman, each town council.

Mayors,
Vice-
Chairman
and

(2) There shall be a Mayor and a Deputy-Mayor for each Deputy-Mayors municipal council and each city council.

(3) The Chairman and the Vice-Chairman of a town council, and the Mayor and the Deputy-Mayor of a municipal council and a city council, shall each be elected by members from amongst the elected members of each of the urban authorities.

(4) The Chairman and the Mayor shall each, when elected, unless he sooner resigns or ceases to hold office in any other way, hold office for a term of three years and at the expiration of that term shall, if elected a member, be eligible for re-election to that office. The Deputy Mayor and the Vice-Chairman shall hold office for one year, but may be re-elected to that office as long as he remains a member.

21.-(1) Subject to the following provisions of this section, any citizen of the United Republic who has attained the age -of twenty-one years, who is ordinarily resident within the area of jurisdiction of an urban authority, and who is not an officer or employee of that authority, shall be qualified for election as an elected member of that urban authority.

Qualifi-
cations for
election

(2) A person shall be disqualified for election as an elected member of an urban authority if-

-
- (a) he is under a declaration of allegiance to some country other than the United Republic;
- (b) he is adjudged or otherwise declared to be of unsound mind in accordance with any law for the time being in force in the United Republic;
- (c) having been convicted of an offence, or in pursuance of the provisions of any written law for the time being in force-
- (i) he is under sentence of death imposed on him by any court in Mainland Tanzania or a sentence of imprisonment exceeding six months imposed on him by a court of competent jurisdiction; or
 - (ii) he is detained under an order made under the Preventive Detention Act, 1962, and has so been detained under -the order for a period exceeding six months within a period of two years immediately preceding election day; or
 - (iii) he has been deported under an order made under the Deportation Ordinance which has been in force for a period exceeding six months, and is still in force on election day;
- (d) he is a party to, or is a partner in a firm or manager of a company which is a party to, any subsisting contract with the urban authority to which he seeks election and has not, within one month before the date of election, published in the Kiswahili and English the language newspapers circulating within the area of an urban authority concerned, a notice setting out the nature of the contract and his interest or the interest of the firm or company in the contract;
- (e) he is disqualified from becoming a member of any local government authority by or under any other written law;
- (f) he is disqualified from registering as a voter in local government authority elections or disqualified from voting; at any election under this Act or under any written law relating to offences connected with any election;
- (g) subject to such exceptions and limitations as the President may, by order published in the Gazette, prescribe, if he holds or acts in any office or appointment in the service of the United Republic or local government authority;
- (h) he or his spouse is the beneficial owner of any share in any company incorporated or established in the United Republic or elsewhere or of any interest in the share;

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- (i) he or his spouse holds the office of a director in any company incorporated or established in the United Republic or elsewhere otherwise than as a nominee of the Government or a local government authority or of any statutory corporation or of any company of which the majority of ordinary shares are held by the Government, a local government authority or a statutory corporation;
 - (j) he or his spouse is the beneficial owner of any house or other building which, or any portion of which, is in the exclusive occupation of some other person in consideration of payment of rent, fee or other valuable consideration of any kind other than lawful deductions from the wages payable to a domestic servant in respect of occupation by him or any portion of the house or of any quarters attached to the house;
 - k) he or his spouse is in receipt of two or more salaries;
 - (l) he or his spouse, being a person engaged in any trade, business, profession or vocation, employs any workman for the purposes of, or in connection with, trade, business, profession or vocation.
- (3) For the purposes of sub-paragraph (1) of paragraph (c) of subsection (2)-
- (a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds six months but if any of them exceeds six months they shall be regarded as one sentence; and
 - (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of, the payment of a fine.
- (4) For the purposes of paragraph (i) of subsection (2) of this section, "share" includes stock, debenture and other interest of any kind.
- (5) For the purposes of paragraph (h) and (j) of subsection (2) of this section—
- (a) a person shall not be deemed to be a beneficial owner of a share in a company or a house or other building if—
 - (i) he himself is not the settler of the trust or wakf; and

- (ii) he was not, at any time during the five years immediately preceding the settlement of the trust or wakf, the beneficial owner of the share, house or building, or of any interest in the share, house or buildings;
- (b) a person shall not be in contravention of the provisions of paragraph (h) or (j) where any share, house or building or any interest in a share, house or building becomes vested in him by inheritance or by operation of law if-
 - (i) where the share, house or building or interest in a share, house or building so vested in him within the three months immediately preceding the date appointed for the primary nomination, the Person lodges with the electoral authority an undertaking in the prescribed form to dispose of the share, house or building within three months of the primary nomination; or
 - (ii) where the share, house or building or interest in a share, house or building becomes so vested in him after the date appointed for the primary nomination but before that persons or his spouse, as the case may be, takes his seat as a member of the urban authority, he lodges with the electoral authority any undertaking in the prescribed form that he will dispose of the share, house or building or, as the case may be, interest in the share, house or building within three months of his or his spouse, as the case may be, becoming a member of the urban authority.

(6) For the purposes of paragraph (j) of subsection (2) of this section "statutory corporation" means any body corporate established by or under Any written law other than the Companies Ordinance.

(7) For the purposes of paragraph (i) of subsection (1) of this section-

(a) "salary" means-

- (i) the gains or profit from any trade, business, profession or vocation; or
- (ii) the remuneration payable to a person under any contract of service by way of salary, wages or allowances; or
- (iii) the income accruing to a beneficiary under a trust or wakf from the trust or wakf, but does not include the allowances payable to a member of the district council as a member;

(b) where a person receives two or more salaries he shall be deemed to be receiving only one salary if the total amount received by him does not exceed the amount of the salary for the time being payable to a Member of Parliament as a member; and

(c) where a person is a beneficiary under two or more trusts or wakfs, the total income received by him as a beneficiary shall be deemed to be one salary.

(8) Notwithstanding the provisions of paragraph (a) of subsection (7) of this section, the President may, by an order published in the *Gazette*, declare any income, remuneration or emoluments not to be a salary for the purposes of paragraph (k) of subsection (2) of this section.

22.-(1) All elected members of an urban authority shall be elected at elections conducted for the purposes in accordance with the provisions of the law for the time being in force in relation to the election of members of local government authorities.

Election of
elected members

(2) Ordinary elections of elected members shall be held prior to the date of retirement of incumbent members; and elected members shall not assume their offices until after the incumbent members have retired.

23.-(1) The term of office of a member of an urban authority shall be three years; and all members shall retire on the third anniversary of the date on which they assumed their office and if not re-elected, their places shall be filled by newly elected members who shall come in office on that day.

Tenure of office
elected members

(2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.

24. Where a person is elected a member of an urban authority and, subsequently, circumstances occur in relation to him such that if he were not yet elected he would thereby have been disqualified from standing as a candidate for election as a member, he shall be disqualified and the electoral authority shall declare his seat on the district council to be vacant, and thence cause elections to be held to fill the vacancy -

Cessation of
membership for
disqualification

25.-(1) Any elected member may resign his seat on the authority by giving written notice of his resignation to the Chairman.

Resignation
and absence
of members

(2) An urban authority may grant leave of absence from its meetings, not exceeding ten months, to any member who desires to proceed to a destination outside the United Republic; and during

the period of absence of that member the urban authority may with the consent of the proper officer, co-opt a person to discharge the duties of the absent member, subject to subsection (3).

(3) Where an elected member is for any reason absent from the United Republic for a period exceeding ten months his seat on the urban authority shall be deemed to be vacant.

(4) A person coopted to discharge the functions of the office of a member shall, during the period for which he is coopted, have and exercise the same rights and powers in all respects as the member the functions of whose office he is discharging has when present.

(5) Where any member of an urban authority-

- (a) without leave of absence or the prior written consent of the Chairman, absents himself from three consecutive ordinary meetings of an urban authority; Or
- (b) without leave of absence or the prior written approval of the Chairman of a committee absents himself from three consecutive meetings of any committee to which he has been appointed by the urban authority.

he shall be liable to be discontinued in his office as a member of the urban authority.

Casual vacancies

26.-(1) The electoral authority shall, declare the seat of any member of an urban authority to be vacant whenever it is informed in writing by the Chairman of the urban authority that-

- (a) the member has died or resigned; or
- (b) the member is, by virtue of the terms of or under this Act or any other written law, disqualified from or should be declared to be incapable of becoming or continuing to be a member; or.
- (c) the election of that member has been declared void, or
- (d) the seat of that member is deemed to be vacant under this Act.

(2) Any vacancy which is declared pursuant to subsection (1) shall be deemed to be a casual vacancy for the purposes of this Part.

(3) Subject to subsection (4), a casual vacancy shall be filled within ninety days of its occurrence or such further period as the Minister may in any particular case allow, by nomination or, if the member whose place becomes vacant was elected, by election in the manner prescribed by law for the filling the vacancy and shall hold office for the unexpired portion of the term of the office of the member whose place has become vacant.

(4) Where a casual vacancy occurs within six months immediately preceding the ordinary date of the retirement of the member in respect of whom the vacancy occurs, a nomination or election under this section shall not be made or held to fill the vacancy, but the vacancy shall be filled at the next ordinary nomination or election.

27.-(1) All questions arising as to whether a person has been lawfully elected a member or not, or the right of any person to be or remain a member of an urban authority, shall be determined by a court of a Resident Magistrate upon the application of or election petition presented by, any one or more of the following persons, namely-

Decision of
questions as
ship of council
to membership of
council

- (a) a person who lawfully voted or had right to vote at the election to which the application or election petition relates;
- (b) a person claiming to have had a right to be nominated or elected at an election;
- (c) a person claiming to have been a candidate at the election;
- (d) a person claiming to have a right to be or remain a member of an urban authority;
- (e) the Attorney- General.

(2) The presentation and trial of petitions and applications in pursuance of this section shall be governed by the provisions of the law for the time being in force in relation to the trial of petitions and applications arising from elections in local government authorities.

28.-(1) Subject to this section, an urban authority may-

Freemen

- (a) admit to the status of honorary freeman of the authority persons of distinction, and persons who have rendered eminent services to the urban authority or to the United Republic;
- (b) if it considers that a person admitted to the status of honorary freeman of the authority has subsequently ceased to be worthy of the status, annul the admission of the person to that status.

(2) The power of admitting or annulling the admission of a person to the status of honorary freeman of an urban authority shall not be exercised except by resolution of the urban authority supported by the votes of not less than two-thirds of the members present and voting and the power of annulling the admission of a person to the status of honorary freeman of an urban authority

shall not be exercised unless the authority has afforded to that person an opportunity to be heard or to make written representations on his behalf.

(3) The Director shall keep a list to be styled as the honorary freemen's roll, in which shall be inscribed the names of all persons admitted to the status of honorary freeman of the authority and from which shall be removed the name of any person whose admission to that status is annulled.

(4) Every person who, before the commencement of this Act, was an honorary freeman of an urban council established or deemed to have been established under the former Act, and deemed to be an urban authority established under this Act, shall be deemed to have been admitted to the status of freeman of that authority under this Act.

PART IV

MEETINGS AND COMMITTEES

A: Meetings of Urban Authorities

Frequency,
place and -
time of meet-
ings

29.-(1) Subject to subsections (2) and (3), an urban authority shall hold an ordinary meeting for the transaction of its business at least once in every three months at such places, on such dates and at such times as it may decide from time to time.

(2) The first ordinary meeting of an urban authority newly established, or deemed to have been established, under this Act shall be held at such place, on such day and at such time as the Director may appoint.

(3) The Chairman may convene a special meeting within twenty-one days, or such lesser period as may be prescribed by the standing orders of the urban authority, after he receives a written request to that effect signed by not less than one-third of all the members and stating clearly the purposes for which the special meeting is requested to be convened.

Notice of
meetings

30.-(1) The Director shall, not less than twenty-four hours before the time appointed for the holding of a meeting of an authority, notify every member in writing of the place, day and time of the meeting and of the business proposed to be transacted at the meeting.

(2) No business shall be transacted at a special meeting of an authority other than that specified in the notice relating to it.

Quorum at
meetings

31. One-half of all the members shall constitute a quorum at any ordinary meeting of an authority; and the quorum at a special meeting of an authority shall be two-thirds of all the members.

- 32.** There shall preside at any meeting of an authority- Presiding in Council
- (a) the Chairman or the Mayor, as the case may be, or
 - (b) in the absence of the Chairman or the Mayor, the Vice Chairman or the Deputy-Mayor, as the case may be, or
 - (c) in the absence of both the Chairman or the Mayor and the Vice-Chairman or the Deputy mayor, or in the case of inability of both to preside, such member of the urban authority as the members present may elect from amongst the elected members amongst themselves for the purpose of the meeting concerned.
- 33.** All questions proposed for decision at any meeting of an urban authority shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the chairman or other member presiding shall have a casting vote in addition to his deliberative vote. Decisions of district councils
- 34.**-(1) Subject to subsection (2), every meeting of an urban authority shall be open to the public and the press. Meetings to be held in public
- (2) The provisions of subsection (1) shall not apply to any Committee, sub-committee or joint committee, or to a committee of the whole urban authority.
- 35.**-(1) The secretary shall record and keep details of all business conducted or transacted at all meetings of an urban authority in books kept and maintained for that purpose, and the minutes of each meeting of the authority shall be read and confirmed, or be read, amended and confirmed, at the next meeting of the authority and signed by the person presiding. at that meeting. Minutes of meetings
- (2) The names of all members of an urban authority present, and those of non-members invited to attend, at every meeting of the authority shall be recorded in the minutes.
- (3) Any minutes purporting to be signed by the person presiding at a meeting of an urban authority shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be, the meeting shall be deemed to have been duly convened and held, and all persons present at the meeting shall be deemed to have been qualified to attend.
- 36.** The minutes of the proceedings of an urban authority shall be open to inspection by members at all reasonable times, and by any member of the public at such times and under such arrangements as may be permitted by the Chairman, and any person may obtain an extract from the minutes upon payment of such fee as may be specified by the authority. Minutes to be open to inspection

Standing
Orders of
urban
authorities

37.-(1) Subject to this Act., on urban authority may, with the prior approval of the Minister, make standing orders for the regulation of its proceedings and business, and in respect of matters to be referred and functions to be delegated to any committee of the authority, and may, subject to such approval, vary, revoke, add to or amend those standing orders.

(2) Provision may be made in standing orders made under this section for the payment of transport, attendance, responsibility and other allowances approved by the proper officer to members of an urban authority.

Disability for
voting on
account of
interest in
-contracts

38.-(1) If a member of an urban authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the authority or its committee at which the contract, proposed contract or other matter is the subject of consideration he shall, as soon as practicable after the commencement of that meeting, disclose that fact and shall not take part in or be present at the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or that other matter subject to subsection (2).

(2) This section shall not apply to an interest in a contract or other matter which a member of an urban authority may have as a rate payer or inhabitant of the area of jurisdiction of the authority or to an interest in any matter relating to the terms on, which the right to participate in any service, including the supply of goods is offered to member of the public.

(3) Subject to this subsection and subsection (4), for the purposes of this section a member shall be treated as having an indirect pecuniary interest in a contract or other matter, if-

- (a) he or his nominee is a member of a company or other body, or the holder of debentures in a company, with which the contract is made or proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) if he is a partner or in the employment of a person with whom the contract is made or proposed to be under or who has a direct pecuniary interest in the other matter under consideration.

(4) Subsection (3) shall not apply to membership of, or employment under, any other urban authority or any association of persons who provide any public utility as a public body and not for their own profit; and a member of a company or other body shall not by reason only of his membership, and -a person holding debentures shall not by reason only of his holding, debentures, be

treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body or in those debentures.

(5) In this section a direct or indirect interest of a spouse or any member of the family of a member of the urban authority shall, if known to that member, be deemed to be a direct or indirect interest, as the case may be, of the member of that urban authority.

(6) A general notice given in writing to the Director by a member of the authority to the effect that he, his spouse, or a member of his family has a direct or indirect interest in a contract, proposed contract or other matter and specifying the nature of the interest, shall, unless and until it is withdrawn, be deemed to be a sufficient disclosure of his interest in any matter relating to it which may be the subject of consideration after the date of the notice.

(7) The Director shall cause to be recorded, in a book to be kept for the purpose, particulars of any disclosure made under subsection (1) and of any notice given under subsection (6); and that book shall be open to inspection at all reasonable times by any member.

(8) Any person who refuses or fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment, and shall, by virtue of the conviction and punishment, be disqualified from continuing to be a member of the authority, and shall be liable to account to the authority for any profit which may accrue to him from any such contract or matter; but no prosecution for an offence under this section shall be instituted except with the prior consent of the Director of Public Prosecutions.

(9) The Minister may, subject to such conditions as he may think fit to impose, remove any disability incurred under this section in any case where the number of members of a district council so disabled at any one time would be so great a proportion of the whole as to impose the transaction of the business of the authority, or in any other case in which it appears -to the proper officer to be in the interests of the inhabitants of the area of jurisdiction of the authority that the disability should be so removed.

(10) In this section-

- (a) a member of the family of a member of an urban authority shall be deemed to include the father, mother, child, brother, or sister of the member, and any person married to his father, mother, child, brother, or sister;

(b) the term "Director" includes a person who is for the time being acting in that office.

Validity of acts and proceedings of district council and officers **39.** The validity of any act or proceeding of an urban authority, its members or of any of its officers shall not be affected by any vacancy among the members of the council or by any defect in their election or appointment or that its officers.

Invitation to non-members to attend meetings **40.** The Chairman of an urban authority may, after consultation with the members, invite any person to attend and speak on any matter, or participate in any other way, at any meeting of the council, but any person so invited shall not be entitled to vote at that meeting.

(2) All heads of department of an urban authority may, when so required by the Director, attend all or any of the meetings of the authority but no head of department shall be entitled to vote at any of those meetings.

Adjournment of meetings **41.**-(1) An urban authority may adjourn any of its meetings from time to time, and from place to place.

(2) If at any meeting of an authority a quorum is not present, the members present or, if there are no members present or, if there are no members present, the Director shall adjourn the meeting and may appoint for the adjourned meeting such place, day and time as may be considered suitable.

B: Committees of Urban Authorities

Standing committees **42.**-(1) Every urban authority shall establish the following standing committees:-

- (a) a standing committee responsible for finance and administration;
- (b) a standing committee responsible for urban planning;
- (c) a standing committee responsible for public health;
- (d) a standing committee responsible for education and culture;
- (e) a standing committee responsible for works;
- (f) a standing committee responsible for trade and economic affairs.

(2) The number of the members of a standing committee and their terms of office shall be such as may from time to time be fixed by the authority concerned.

(3) A standing committee may include persons who are not members of the authority, except that-

- (a) 10 person other than a member shall be a member of the committee responsible for finance and administration or any of their subcommittees;
- (b) not less than two-thirds of the members of each committee, other than the committee responsible, for finance and administration shall be members of the authority.

(4) For the purposes of the performance of the functions of an authority as a local education authority pursuant to Part III of the National Education Act, 1978, each standing committee responsible for educational affairs established by an urban authority under this section shall be deemed to be the Education Committee the establishment of which is referred to in section 11 of the National Education Act, 1978, and for that purpose the Minister for the time being responsible for national education shall, by order published in the *Gazette*, specify matters which an urban authority shall take into account in establishing and providing for the performance of the functions of the standing committee responsible for educational affairs.

43. Subject to section 42, provision shall be made in standing orders of an urban authority for the composition and functions of each standing committee established under section 42.

Functions of standing committees

44.-(1) An urban authority may establish such other standing or occasional committees as it may from time to time determine for the purposes of examining and reporting on any matter or of discharging any functions of the authority delegated to them under this Act, or, generally, as it may deem necessary or desirable for the better performance of the functions and efficient management of the affairs and business of the authority.

Power to appoint occasional committees

(2) Any committee appointed under this section may include persons who are not members of the urban authority appointed by the authority or co-opted by the committee, and all persons appointed or coopted by the authority shall, when performing the functions of a committee as members of that committee, have and exercise rights and powers in all respects in relation to the business of the committee as these exercised by members of the authority who are members of the committee in question.

45.-(1) Any committee of an urban authority may, subject to the prior approval of the authority, co-opt as members of the committee such number of person who are not members of the authority as it may deem necessary for the efficient execution of any task undertaken by the committee.

Co-optation of non-members to committees

(2) Persons coopted by any committee under this section shall have and exercise the same rights and powers in relation to the business of the committee as are conferred by this Act on members of the committee.

Effect of vac-
ancies on any
committees

46.-(1) Subject to section 50(3), where a vacancy occurs in any committee, joint committee or sub-committee, the committee in question may continue to act notwithstanding the vacancy or vacancies until that vacancy has or those vacancies have been filled by nomination, election or appointment, as the case may be.

(2) Nothing in this section shall be construed as rendering it unnecessary at any meeting of a committee, joint-committee or sub-committee for such quorum to be realised as may be provided for by or under this Act or in any standing orders made pursuant to this Act.

(3) For the avoidance of doubt it is hereby declared that no committee, subcommittee shall hold any proceedings at any time while the number of its members present is less than the quorum provided for in respect of it.

Sub-Com
mittees

47.-(1) Any committee or joint committee may appoint from amongst its members such sub-committee or sub-committees as it may deem expedient for the purposes of examining and reporting on any matter, but the committee shall not delegate any of its executive power to any such sub-committee.

(2) The number of members of a sub-committee and their term of office shall be such as may from time to time be fixed by the committee appointing it.

(3) Subject to the standing orders of the urban authority, a sub-committee shall determine its own procedure.

(4) A sub-committee shall not discharge any of the functions of an urban authority which have been delegated to the committee by which it was appointed.

Joint commit-
tees

48.-(1) Subject to any general or specific directions given by the Minister in that behalf, an urban authority may concur with any one or more other urban authority or local government authorities, in appointing from among their respective members a joint committee of those authorities or of that authority and local government authority or authorities for any purpose in which they are jointly interested, and may delegate to that committee, subject to such restrictions or conditions as they may deem fit to impose, any powers or functions of the authority relating to purpose for which the joint committee is formed except such matters as the urban authority is not empowered to delegate by this Net.

(2) Subject to this Act, the composition of any joint committee appointed under this section, the term of office of its members and the area within which the committee is to perform its functions shall be determined by the authority or authorities and local government authorities appointing it.

(3) A joint committee shall not incur any expenditure exceeding the amount allowed by the appointing authority.

49.-(1) Subject to subsection (2), and to any restrictions or conditions as it may deem fit to impose, an urban authority may delegate to a committee the power to discharge any function on behalf of the authority,.

(2) An urban authority shall not delegate to any committee the power-

- (a) to make by-laws;
- (b) to make and levy rates;
- (c) to adopt estimates of revenue and expenditure of the authority;
- (d) to impose fees and charges.

(3) An urban authority may withdraw or alter any delegation to a committee, but no such withdrawal or alteration shall affect anything done in pursuance of any decisions lawfully taken by the committee,

(4) Any function discharged or power exercised by a committee in pursuance of the delegation made to it under this section shall be deemed to have been discharged or exercised by the urban council.

50.-(1) The proceedings of every committee, sub-committee or joint committee of a district council shall, subject to this Act, be regulated in accordance with standing orders of the authority, subject to the following provisions of this section.

(2) Minutes of the proceedings of a meeting of a committee joint committee or sub-committee shall include a record of the names of all members present and absent, and shall be drawn up and signed at the same or a subsequent meeting by the person presiding at that meeting, and any minutes so signed shall, in the absence of proof of error, be received in evidence without further proof.

(3) The validity of any act or decision taken at any meeting of a committee, joint-committee or sub-committee shall not be affected by any vacancy in its membership or any defect in the appointment of any of the persons attending the meeting.

51. The proceedings of a committee, joint-committee or sub-committee shall not be open to members of the public and the press, except in pursuance of a resolution of the urban authority appointing it or in pursuance of resolutions to that effect of all the authorities or category of authorities concurring to appoint that committee.

52. Every committee, joint-committee or sub-committee established or appointed under this Act shall, at one of the next two ordinary meetings of its appointing authority held after a meeting

Delegation of powers to committee

Proceedings Of committees and sub-committees

Admission of public to meetings of

Reports by Committee

of the committee, joint-committee or sub-committee, report its proceedings to that appointing authority for its consideration or, in the case of proceedings which relate to the discharge of functions delegated to the committee, for its information.

PART V

FUNCTIONS OF URBAN AUTHORITIES

A-Functions

Duty to discharge functions

53.-(1) It shall be the duty of every urban authority to discharge the functions conferred upon it as such, and as a local government authority, by this Act or by or under any other written law, and for that purpose, an urban authority may, within the limits of the functions so conferred, either by its own officers or by duly appointed agents, do all such things and acts as are lawful and necessary for the performance of its duties.

(2) Save where the contrary is expressly provided for or appears from the context of the function or duty to be permitted or intended, every function conferred upon an urban authority shall be exercised in respect of all persons within its area of jurisdiction or the category or description of persons within its area of jurisdiction as are concerned in relation to the function in question.

Basic functions of local government authorities

54.-(1) It shall be the responsibility of each urban authority as a local government authority, subject to this Act-

- (a) to maintain and facilitate the maintenance of peace, order and good government within its area of jurisdiction;
- (b) to promote the social welfare and economic well-being of all persons within its area of jurisdiction;
- (c) subject to the national policy and plans for rural and urban development, to further the social and economic development of its area of jurisdiction.

(2) For the purposes of the better execution of its functions, whether done alone or in co-operation and conjunction with any other local government authority or other person or body of persons, and subject to this Act or any other relevant written law, a local government authority shall take all such measures as in its opinion are necessary, desirable, conducive or expedient:-

- (a) for the suppression of crime, the maintenance of peace and good order and the protection of public and private property lawfully acquired;
- (b) for the regulation and improvement of agriculture, trade, commerce and industry;
- (c) for the furtherance and enhancement of the health, education, and the social, cultural and recreational life of the people;

- (d) for the relief of poverty and distress, and for the assistance and amelioration of life for the young, the aged and the disabled or infirm.

55.-(1) Subject to this Act, it shall be the duty of every urban authority within its area of jurisdiction:-

Duties of
urban
authorities

- (a) to establish and maintain offices and buildings for the purpose of transacting the business of the authority and for public meetings and assemblies;
- (b) to take and require the taking of measures for the conservation of natural resources, the prevention of soil erosion and the prohibition and control of cultivation;
- (c) to prevent or control the keeping, movement, control, destruction and sale of livestock, animals and birds, so that their keeping or use does not become a public nuisance or injurious to health;
- (d) to provide for the treatment of congested area, for the closure and demolition of buildings or parts of buildings unfit for human or other habitation, either from structural or sanitary causes or from the narrowness, closeness or bad arrangement of those buildings or Of the streets; and for the prohibition of the use of such buildings for such habitation; and to pay compensation if it shall so think fit;
- (e) to provide for the inspection of all meat, fish, vegetables and all other foodstuffs of whatever kind or nature, and of liquids intended for human consumption, whether exposed for sale or not; and to seize and destroy all such foodstuffs or liquids as are unfit for human consumption (or to seize and otherwise deal with any foodstuffs or liquids intended for human consumption when and in such manner as may by by-laws be directed or allowed), and to supervise and control all bakeries;
- (f) to provide, maintain, supervise and control public markets and pounds, and cold-storage depots, mineral water factories and public or private slaughter-houses, and all such matters and things as may be necessary for the convenient use of such markets, pounds, cold storage depots, mineral water factories and public or private slaughterhouses, and to impose fees, rents, and tolls in respect of the use of public markets, pounds or slaughterhouses by any person;
- (g) to keep and maintain in good order and repair all public latrines, urinals, cesspits, dustbins and other receptacles for the temporary deposit and collection of rubbish, and public bathing and washing places, and to provide for the removal of all refuse and filth from any public or private place, and provide for the removal of night soil and the disposal of sewage from all premises and houses in its area, so as to prevent injury to health;

- (h) to provide for and maintain a supply of electric lighting or other means of lighting the streets and trunk roads (including bridges carrying trunk roads) and to provide such lamps, lamp posts, and other materials and apparatus as may be deemed necessary for lighting its area;
- (i) to provide for the prevention and abatement of public nuisances or of nuisances which may be injurious to the public health or to the good order of the area of the authority;
- (j) to name or re-name where necessary, all streets (such names to be affixed in conspicuous places therein), and to cause the buildings in such streets to be numbered;
- (k) to make, keep and maintain clean and in good order and repair all streets and sewers together with all buildings, machinery, works and things belonging thereto which have or shall become vested in the authority, and to provide for the drainage of surface water. The authority shall have power to divert or alter the course of any of the said streets or sewers and to keep the same clear of obstructions so as not to be a nuisance or injurious to health;
 - (i) to keep clean all trunk roads within the area of the authority
- (m) to regulate any trade or business which may be noxious, injurious to the public health or a source of public danger, or which otherwise it is in the public interest expedient to regulate, and to provide for the issue of licences or permits to facilitate the regulation of any such trade or business, and for the imposition of fees in respect of such licences or permits;
- (n) to regulate the use and conduct of public vehicles plying for hire and their fares, to regulate the routes and parking places to be used by such vehicles, to appropriate particular routes, roads, streets and parking places to specified classes of traffic, and when necessary to provide for the identification of all licensed vehicles,
- (o) to undertake all other works, matters and services necessary for or conducive to the public safety, health or convenience, as it shall think fit, or which the Minister may from time to time declare to be the functions of the urban authority.

(2) In addition to the duties specified in subsection (1), an urban authority may perform any of the functions specified in the Schedule to this Act.

56.-(1) For the purposes of ensuring the better performance by urban authorities of their general functions in accordance with the objects, purposes and provisions of this Act, the Minister may, subject to section 57, make regulations more particularly specifying the powers and duties to be exercised by any urban authority, or by any category of urban authorities, or by all urban authorities.

(2) It shall be the duty of every local government authority in relation to which regulations are made under this section, to exercise the powers and surcharge the duties conferred or imposed by the regulations to the best of its ability and resources.

57.-(1) Where the regulations required or desired to be made in respect of any urban authority in pursuance of section 56 relate to any service or branch of government for which a Minister other than the Minister is responsible, the regulations in question shall be made by that Minister after consultation with the Minister.

Functions
and duties
under other
written laws

(2) Every urban authority shall have power to do any act or thing in relation to any service or matter which is regulated or provided for by or under any written law or laws for which a Minister other than the Minister is responsible, subject only to compliance by the authority with any administrative directions or legislative procedures issued or prescribed by the Minister or other competent appropriate authority concerned after consultation with or with the general or specific approval of the Minister.

58.-(1) Without prejudice to the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts) Act, 1970 or of the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done or omitted by any member of an urban authority shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member, officer, servant or agent, subject any such person to any action, liability or demand of any kind, subject to subsection (2).

Liability of
members, etc.

(2) Where in any proceeding a question arises respecting the *bona fides* of any act done in the purported pursuance of the functions of the urban authority, the burden of proving that the act in question was done *bona fide* shall lie on the person alleging that it was so done.

B-Powers in Relation to Functions

59. For the purposes of the better performance of the functions conferred upon it by this Act or any other written law an urban authority shall have power-

Powers of
urban
authorities

- (a) to construct any new and necessary works in connection with any of the functions under this Act;
- (b) provide for the establishment, management, layout, planting, improvement, maintenance and regulation of parks, gardens, swimming baths, public libraries, museums and other places of public resort, recreation or entertainment for the use of the public, and to contribute to the cost of maintenance of any parks, gardens, swimming baths, public libraries, Museums and other places of Public resort, recreation or entertainment provided by persons for the use of the public;

- (c) to provide and maintain appliances for extinguishing fires, and water-buckets, pipes, fire escapes and other implements for safety or use in case of fire;
- (d) to undertake the abatement of fire and the prevention of the spread thereof and for such purposes to enter any premises;
- (e) to design the layout of streets, building areas and other areas, and to provide for and authorise the adoption of such measures with respect to expropriation or limitation of user, and with respect to the assessment and time of payment of compensation, as the authority may consider necessary or desirable for the purpose of the convenient design and construction of such layouts; save that before any layout is made, the plan or plans of such layout or alteration shall be submitted for the approval of the Minister;
- (f) to plant trees in any street and to erect tree guards to protect such trees; save that the streets shall not thereby be unduly obstructed;
- (g) with the approval of the Minister to engage in any form of municipal trading or industry;
- (h) with the approval of the Ministers to provide any form of transport service;
- (i) to provide for the imposition and fixing of charges to be paid in respect of services rendered by the authority;
- (j) to provide for the licensing of building surveyors and for the examination of candidates for licences or otherwise for ensuring their technical ability, for the professional conduct of such building surveyors, for the cancellation of licences in cases of misconduct and for the scale of fees chargeable by licensed building surveyors for services rendered;
- (k) to provide for the establishment and management of a provident fund for the benefit of the servants or any class of servant of the authority;
- (l) to appropriate particular routes, roads and streets to the use of public vehicles employed in the transport services undertaken and conducted by the authority, to the exclusion of the use of such routes, roads and streets by other public vehicles plying for passenger hire; save always however that no such appropriation shall substantially affect to its detriment traffic proceeding to or from places outside the limits of the area of the authority;
- (m) to provide for the control, management and treatment of domestic animals;
- (n) to prohibit or regulate the establishment and conduct of markets other than public markets establishment the authority;
- (o) to prohibit or regulate the hawking of wares or the erection of stalls on or near any street;

- (p) to provide for the control and management of cinemas, theatres, circuses, dance-halls and places of public entertainment generally;
- (q) to provide for the care and welfare of the aged and destitute;
- (r) to provide for the control, use and licensing of vehicles other than motor vehicles.
- (s) to provide for the establishment and maintenance of regional schools;
- (t) to open and operate banking accounts with any authorized bankers;
- (u) to provide for the construction, leasing, sale and control of houses;
- (v) to undertake works and measures for or in connection with any local government purposes.

60.-(1) Any urban authority may, by agreement, and with the prior approval of the Minister, acquire any land or right over of the use of any land, within or without its area of jurisdiction, for the purposes of any of its functions. Power to require land

(2) For the purposes of any of its functions under this Act or any other written law, any urban authority may, with the prior approval of the Minister-

- (a) request the President to exercise the powers to acquire land conferred on him under the Land Acquisition Act, 1967, in respect of any land whether within or without the area of its jurisdiction; Acts 1967 No. 47
- (b) request the President to exercise the power conferred on him by the Land Ordinance to revoke a right of occupancy in respect of the land concerned.

(3) Where the President agrees to any request made to him under paragraphs (a) or (b) or subsection (2), the purpose for which the urban authority has made the request shall be deemed to be—

- (a) a public purpose for the purposes of the Land Acquisition Act, 1967, and
- (b) good cause for the revocation of a right of occupancy within the meaning of section 10 of the Land Ordinance.

(4) All expenses and compensation incurred in respect of acquisition of any land by the President or the revocation of any right of occupancy under this section shall be paid by the President; the urban authority concerned shall pay to the President such sum as the president may determine; and the rights in the land so acquired shall be granted to that authority on such terms and conditions as the President may determine.

61. Subject to this Act and to any other written law for the time being in force in relation to the acquisition, use and disposition of land, a local government authority may, with the approval of the Minister- Power to let and mortgage land and charge rents

- (a) exchange, let, mortgage or charge any land or premise in its ownership or disposition; and
- (b) charge rent or fees in respect of the occupation, use or hire of any such land or premises.

Power to
accept gifts

62. An urban council may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area or any part of it, and may execute any works, including works or maintenance and improvement, incidental or consequential on the. exercise of the powers conferred by this section.

Power to con-
tract

63.-(1) An urban council may enter into any contract necessary or desirable for the discharge of any of its functions under this Act, subject to subsection (2).

(2) No urban authority may, without the prior approval of the proper officer, enter into any contract of a value exceeding such amount as may be prescribed in respect of that authority by the proper officer.

(3) Any contract made by an urban authority shall be made in accordance with the standing orders of the authority or, if no provision in them relates to the making of contracts, in accordance with the directions of the Minister or of the proper officer, and, in the case of contracts for the supply of goods and materials or for execution of works to the value of ten thousand or more shillings, the standing orders or the directions shall-

- (a) require that notice of the Intention of the authority to enter the contract shall be published and tenders invited; and
- (b) regulate the manner in which the notice shall be published and tenders invited; and
- (c) regulate the manner in which the notice shall be published and tenders given; but any urban authority may, with the consent of the proper officer, lawfully enter into a contract without publishing notice of the intention to enter into it in accordance with the requirements of its standing

(4) A person entering into a contract with an authority shall not be bound to enquire whether the entering by the authority into the intended contract complies with the standing orders of the council or with the directions of the Minister or the proper officer, and all contracts entered into by an urban authority, if otherwise valid, notwithstanding the standing orders or directions have not been complied with or that the approval of the Minister or of the proper officer has not been obtained.

Power to
insure

64. An urban council may insure against risks of any type.

65.-(1) Subject to subsection (2), an urban authority may, from time to time, by resolution authorize the writing off as an irrecoverable debt in regard to which no further proceedings need be taken, of any sum due or payable to the authority from or by any person on the ground of the apparent irremediable poverty of that person or for other sufficient cause.

Power to write off arrears of revenue, cash and stores

(2) No sum shall be written off by an urban authority as an irrecoverable debt without the prior approval of the proper officer, if it exceeds in any one case such amount as may be prescribed by the proper officer in respect of that authority or if, by so writing it off, the total sum written off by that council in that financial year would exceed such amount as may be prescribed by the proper officer in respect of that district council.

(3) Subject to subsection (4), an urban authority may, from time to time, by resolution, authorise the writing off of deficiencies of cash or stores.

(4) No deficiency shall be written off by any authority without the prior approval of the proper officer if it exceeds in value any amount which may be prescribed by the proper officer for that council or if, by so writing it off, the total value of the deficiencies written off by that authority in that financial year would exceed any amount which may be prescribed by the proper officer in respect of that authority.

66.-(1) Subject to this Act and to any other written law, an urban authority may charge fees for any service or facility provided by it or for any licence or permit issued by the authority under this Act.

Power to charge fee,

(2) Subject to the prior approval of the proper officer, an urban authority may for good cause authorize the remission of any fees or other charges imposed under the provisions of this Act or any rules or by-laws made by or in respect of the authority under this Act.

67.- (1) Without prejudice to the generality of section 53 a Director shall-

Duties of Director in respect of offences

- (a) on receiving information that any person, being a person in respect of whom the functions of the authority are exercisable, has committed an offence for which he may be arrested without a warrant of arrest has been issued in respect of that person to be arrested and forthwith taken before a magistrate of court having jurisdiction over that person;
- (b) on receiving information that property of any description which has been stolen, whether within or outwith the area of **the urban authority, is with** property to be seized and detained pending the order of the magistrate having jurisdiction in the matter and shall forthwith report the seizure and detention to that magistrate.

(2) For the purposes of any of the powers of arrest conferred by this section, a Director shall have and may exercise and perform all the powers and duties which are by law conferred or imposed upon police officers.

Duty of persons to appear before Director

68.-(1) Without prejudice to the generality of section 53 and 67, a Director may in writing require any person in respect of whom the functions of the authority are exercisable to appear before him for any of the purposes of this Act, and it shall be the duty of every person, when so directed, to attend before the Director

(2) Any person who, when lawfully required to attend before the Director pursuant to subsection (1), without reasonable excuse neglects, refuses or fails to attend as and when directed, shall be guilty of an offence against this Act.

(3) Any person acting on and in accordance with instructions lawfully given by a Director pursuant to this section shall be deemed to be empowered to do all that may reasonably be necessary to give effect to those instructions.

The Courts

69. The courts which shall have jurisdiction in relation to the area of an urban authority for the purposes of this Act shall be such competent courts as are or may be established by or under the written law for the time being relating to the establishment and powers of Magistrates and other courts of Mainland Tanzania.

C-Powers of Minister

Discharge of duty of Minister under section 4

70. For the purposes of discharging the responsibility in relation to local government imposed on him by section 4 of this Act, the Minister may, in addition to all other powers conferred on him by or under this Act-

- (a) subject to the provisions of any written law in that behalf cause modifications to be made in the development plans of any person or body of persons engaged in activities connected with or affecting the development and growth of local government authorities;
- (b) seek and secure modifications in the educational or training and development plans of any institution so as to facilitate the proper education and training of manpower for the staffing of local government institutions;
- (c) subject to this Act and to any other written law in that behalf, do any other act or thing which in his opinion is designed to or may further the promotions of efficient and democratic local government, having regard at all times to the national interests and the interests of the people of the United Republic.

71. The Minister shall have power to take all measures which in his opinion are necessary desirable or expedient for the enforcement of the performance by every urban authority of the functions conferred and the duties imposed on it by this Act; and may for that purpose invoke any of the powers vested in him by provisions of this Part, subject to the other provisions of this Act or any other written law.

Power to
enforce per-
formance of
functions

72.-(1) Notwithstanding the generality of the powers conferred on the Minister by section 73, 75 and 76, he shall before taking any measures which is punitive or censorial in nature against an urban authority or any member or officer of it as a consequence upon the failing or being caused to fail to satisfactorily perform its functions under this Act, cause an inquiry to be conducted into the matter.

Enquiries
relating to
performance
of functions

(2) Without prejudice to the generality of the discretion of the Minister in the exercise of his power under this section, the Minister shall order an inquiry to be conducted into the affairs of an urban authority before taking any measure of the nature referred to in subsection(1)

- (a) where a new scheme proposed by an urban authority and requiring the approval of the Minister arouses serious local opposition or administrative doubts;
- b) where the Minister is not fully convinced that an urban authority is conducting all its affairs satisfactorily;
- (c) where it is necessary that mute disputes or dissatisfaction about local administration be properly and fully aired;
- (d) where it is proposed that changes be made in the boundaries of an urban authority or authorities or any area within its jurisdiction, so as to satisfy himself that there is among the inhabitants of and residents in the area concerned a general wish, or concurrence in the proposal, that the intended boundary variations be effected.

(3) For the purpose of an inquiry ordered to be conducted under this section, the Minister may appoint a person or a committee of persons to conduct the inquiry and to report to him the findings of the inquiry; and any such person or committee shall have and exercise such powers and enjoy all rights which are vested in a commission of inquiry constituted under the Commissions of Inquiry Ordinance.

Cap. 32

73. Subject to the following provisions of this Part, where the Minister is satisfied, after due inquiry under section 72, that any urban authority is unable or has failed to exercise a particular function or -all functions conferred upon it by this Act, he may transfer the power to perform that or those functions to such other person or body of persons as he may, by order-published in the *Gazette*, specify.

Power to
transfer
functions

Expenses in respect of transferred functions

74. Where any of the functions of an urban authority are transferred to any person or body of persons under section 73, the expenses incurred by that person or body of persons in discharging those functions shall be a debt due from the authority concerned to that person or, as the case may be, body of persons.

power to dissolve authority prematurely

75.-(1) If, after due inquiry, the Minister is satisfied that any urban authority has made default in the performance of any functions conferred or imposed upon it by this Act or any other written law for the time being in force, he may make an order, to be published in the *Gazette*, declaring the authority to be in default and may, by the same or any other order-

- (a) for the purpose of removing the default, direct the authority to perform such of its functions in such manner and within such time or times as may be specified in the order; or
- (b) transfer to such person or body of persons as he may deem fit such of the functions of the authority in default as may be specified in the order.

(2) If an urban authority in respect of which an order has been made under subsection (1) (a) of the order within the time or times specified for the requirement to be complied with, the Minister may make an order under subsection (1) (b).

(3) Where an order made under subsection (1) (a) involves default in the performance of any or a majority of, or the basic functions of the authority, the Minister may, by the same or a subsequent order, dissolve or suspend the authority for such time as he may think fit, from the performance of such of its functions as may be specified in the order and, where he dissolves the authority he shall specify a date, being not later than six months from the date of dissolution, for the holding authority, or nomination for re-election.

(4) Every order made under this section shall be laid before the Assembly at its next meeting following the making of the order.

(5) Any person or body of persons to whom any of the function of an urban authority are transferred under this section shall, when performing, the functions and in respect of them, be deemed to be that authority for the purposes of this Act, and when so acting shall have all the powers and immunities of that authority, including the power of affixing, its official seal.

Power to dissolve councils in default

76.-(1) Without prejudice to the powers conferred by the preceding provisions of this Part, where the Minister is satisfied that an urban authority has made default in the performance of any of the provisions of this Act or any other written law, or has conducted its affairs in a manner incompatible with any of the provisions of this Act or any other written law (whether or not such

failure or such conduct amounts to default by the authority in the

performance of any function conferred or imposed upon the authority by or under this Act or any other written law) he may, by order published in the *Gazette*, dissolve the authority, and may, by the same or a subsequent order, transfer to such person or body of persons as he may think fit all or any of the functions of the authority so dissolved.

(2) Any person or body of persons to whom any of the function of an urban authority have been transferred in re-subsection (1) shall, when performing those functions and in respect of them, be deemed to be that authority for the purposes of this Act and when so acting shall have all the powers and immunities of that authority, including the power of affixing its official seal.

(3) An order made under this section dissolving an urban authority shall not have effect so as to invalidate any act, matter or things validly done or omitted to be done by the authority or by any person or body of persons on its behalf and every licence, registration or permit lawfully issued, made or granted by the authority or by any person or body of persons on its behalf and still in force on the date of dissolution of the authority shall continue in force for the period specified in the licence, registration or permit unless it is sooner lawfully surrendered forfeited, suspended, revoked or cancelled.

77.-(1) The Minister may, by notice published in the *Gazette*, Delegation of
depute any person by name or by office to exercise or perform on powers of
his behalf, subject to such conditions, exceptions, and Minister
qualifications as may be specified in the notice, any of the powers and duties conferred upon him with respect to urban authorities which he may specify, other than the power conferred by section 4, the power to establish authorities, the power to make any rules or regulations, or give directions to authorities and the power to dissolve authorities, and upon such delegation or from the date specified in the notice, the delegate may exercise those powers and perform the duties, subject to the said conditions, exceptions or qualifications.

(2) The Minister may similarly revoke any such notice and may exercise any powers or perform any duties conferred upon him by this Act notwithstanding the delegation by him of those powers or duties.

78. It shall be the duty of every urban authority to furnish the, supply of
Minister and the proper officer with such information as he may information
require in relation to his functions under this Act.

PART VI

LEGISLATIVE POWER

79. The legislative authority in relation to all matters and things Delegation of
within the area of each urban authority is hereby delegated to the legislative
urban authority concerned, and shall be exercised in respect of any authority

matter or thing in accordance with the provisions of this Part and subject always to the provisions of any written law relevant to that matter or thing.

Power of urban authorities to make by-laws

80.-(1) Every urban authority may, subject to the consent of the proper officer, make by-laws for the carrying into effect and for the purposes of any function conferred on it by virtue of this Act or any other written law.

(2) Any by-law made by an urban authority under this section shall be read and construed subject to this Act and to any other written law, and nothing in this Act shall be deemed to empower any urban authority to make any by-law over-riding or derogating from or inconsistent with any other written law for the time being in force in the United Republic in relation to the area of that urban authority.

(3) By-laws made under this section may be made to apply to the whole of the area of jurisdiction of an urban authority of any part of it, and the power to make by-laws conferred by this section shall include power to make different-by-laws in respect of different parts of the area of jurisdiction of an urban authority.

Procedure where urban authority makes by-laws

81.-(1) Subject to the following provisions of this section, where urban authority proposes to make any by-laws it shall, at least two weeks before the meeting of the authority, at which it is proposed to consider the by-laws, give notice to the inhabitants of the area of its jurisdiction of its intention, in such manner as may most probably bring the notice to the attention of all persons likely to be affected by the by-laws indicating the precise purport of the by-laws proposed, and calling upon all interested persons within the area to lodge any objections or representations in writing with the authority within such time as may be prescribed.

(2) If, upon the expiration of the notice, or not less than three clear days before the authority's meeting at which it is intended to consider the proposed by-laws, no objections or representations are received, or no person raises an objection satisfies the council that there is no need for the by laws to be made, the authority shall proceed to make the by-laws proposed, taking into account any other kind of objections or representations made.

(3) After any by-law or by-laws has or have been made or amended by the authority, the by-law, by-laws or amendment shall be submitted for the approval of the Minister, together with-

- (a) a copy of the minutes of the meeting of the authority at which the by-law or amendment was adopted;
- (b) a certificate by the Director that the preceding provisions of this section have been complied with;
- (c) copies of any objections against the adoption of the by-laws or amendment which may have been lodged in writing with the authority, or, if none have been lodged, a statement to that effect.

(4) Where any objection has been lodged and has not been withdrawn, the Minister may approve, alter or reject any by-law or amendment and consent to the by-law or amendment so submitted to him.

(5) Upon consent being given by the Minister to any by-law or amendment, with or without alteration pursuant to subsection (4), the by-laws or amendment shall be published in the Gazette, and shall have full force of law within the area of the urban authority from the date of publication or the date of commencement specified in the by-law or amendment.

82. Where in the opinion of the Minister, it is necessary or desirable, for the purposes of the better development and fostering of the system of local government in urban authorities, that:- Power of Minister to make uniform by-laws

- (a) a certain by-law not involving any local variation be made by or in respect of all urban authorities; or
- (b) uniform by-laws regarding a specific subject or specific subjects are needed for all authorities or a category of them, he may, subject to section 83, make the required by-laws which shall come into operation upon publication in the Gazette or on such date as may be specified in the by-laws.

83.-(1) No by-laws shall be made by the Minister pursuant to section 82 unless and until the provisions of this section have been complied with. Procedure where Minister makes uniform by-laws

(2) Where the Minister by section 82 to make uniform by-laws in respect of all or a category of urban authorities, he shall, at least two months before making the by-laws by notice published in the *Gazette* and in any national newspaper or, as the case may be, any newspaper circulating in the area of the urban authorities or category of urban authorities proposed to be made, give notice of his intention, indicating the precise purport of the intended by-laws, and shall call upon all interested authorities affected, and person within the area of jurisdiction of those urban authorities, to lodge any objections in writing with him in such manner and within such time as may be prescribed; and an urban authority may request that it be permitted to appear and be heard by the Minister.

(3) Every urban authority which lodges an objection pursuant to subsection (2) shall, on request made to the Minister, be entitled to appear, by representatives, before the Minister and make representations further clarifying its objections, and the Minister shall not make or apply the proposed by-laws to any authority if its objections are upheld by him or until after the reasons for the rejection of any of its objections have been furnished in writing to that urban authority or its representative.

(4) If, upon the expiration of the notice, no objections or representations have been received from any authority or any authority in the category of the urban authorities concerned, or no urban authority raising an objection satisfies the Minister that special provision should be made for that authority in the proposed by-laws or that it should be excluded from the application or any of their provisions, the Minister shall proceed to make the by-laws as intended, which shall come into operation upon publication in the *Gazette* or on a date specified in the by-laws.

By-laws may impose special conditions

84.-(1) Any by-laws made under this Part may prescribe reasonable fees, charges and tariffs in relation to any act to be done or any licence, permit or other instrument or document granted or issued under them, and may require acts or things to be performed or done to the satisfaction of a prescribed person, and may empower a prescribed person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which such acts or things shall be performed or done or the conditions shall be fulfilled.

(2) Any by-law made under this Act may confer upon an urban authority, and its officers or employees, such powers of inspection, inquiry and execution of works as may be reasonably necessary for the proper carrying out of its enforcement.

By-laws regulating building in urban authorities

85.-(1) Without prejudice to the generality of the power of authorities to make by-laws, an urban authority may make by-laws for the control, under permit or otherwise, of the construction of buildings and other structures and of the execution of work on existing buildings and structures and may by such by-laws prescribe the conditions subject to which the construction of buildings and other structures, and the execution of work on existing buildings and structures, may be undertaken and carried out.

(2) In pursuance of subsection (1), an urban authority may make by-laws which make provision-

- (a) for the making and maintenance of passages, lanes and roads for the purpose of giving access to premises;
- (b) for the space about new buildings and buildings which are to be extended or altered, so as to ensure free circulation of air;
- (c) for building lines and the layout of buildings;
- (d) for the level of the ground floor of buildings;
- (e) for the lighting and ventilation of buildings, the height of buildings and the dimensions of rooms and corridors;
- (f) for reducing the risk of fire in buildings and ensuring sufficient means of exit from new or extended or altered buildings in the event of fire;

- (g) preventing the construction of buildings and other structures which would be a disfigurement to the urban area or neighbourhood or not be in keeping with the architectural character of the neighbourhood and the execution of any work which would tend to make existing buildings and structures a disfigurement to the area or neighbourhood or not be in keeping with the architectural character of the neighbourhood;
- (h) respecting the repair and renovation of buildings and other structures, and compelling necessary repairs and renovations to buildings and other structures to be carried out;
- (i) for the certification of dwelling-houses as having been constructed in accordance with the requirements of by-laws made under this section as condition precedent to the habitation thereof;
- (j) respecting the construction of hoardings and similar structures and temporary buildings;
- (k) for the use of proper buildings scaffolding, hoardings, machinery and appliances in connection with the construction, extension, alteration, repair and renovation of buildings and other structures;
- (l) prescribing the conditions to be satisfied by a site for any building or for any class of building;
- (m) respecting the provision of sanitary arrangements and conveniences of or in connection with new or extended or altered buildings;
- (n) for cutting into, laying open and pulling down any work suspected to have been executed in contravention of any by-law made under this section or any permit granted under any such by-law;
- (o) for the designation of streets as residential streets or shopping streets or business streets, and prescribing special requirements to be satisfied by buildings constructed therein;
- (p) for the drainage of streets, lands, compounds and new buildings;
- (q) respecting the level, width and construction of streets;
- (r) regulating or prohibiting the construction of wells;
- (s) respecting the period of duration of any permit provided for under any regulations made under this section and the extension of such period, and for the revocation of such permit if the construction of the building or execution of the work to which it relates is not begun within a time specified in such permit;

- (t) for the refusal of a permit to an applicant who has not completed a building or any work under a permit previously granted to him;
- (u) prescribing the forms to be used;
- (v) prescribing the fees to be paid in respect of any matter or thing prescribed by by-laws made under this-section;
- (w) for matters connected with or incidental to the preceding matters.

(3) The authority may further provide for the observance of such by including there in such provisions as it May think necessary as to the giving of notices, as to the deposit of loans, sections and specifications and other particulars by persons intending to lay out streets or to construct, extend, alter, repair and renovate buildings, as to inspection by such officers as such provisions may specify and for the maintenance of building agents on the sites of works, and the keeping of proper plans thereon.

(4) Such by-laws may be made with respect to the area of the authority generally, or with respect to particular areas, buildings or works in the area of the urban authority.

Evidence of by-laws made by urban authorities **86.**-(1) Subject to subsection (2), a copy of a by-law purporting to be made by an urban authority upon which is endorsed a certificate purporting to be signed by the Chairman or other officer of the authority authorized by the urban authority in that behalf, stating-

(a) that the by-law was made and published by the urban authority in the manner required by this Act;

(b) that the copy is a true copy of the. by-law;

(c) that on a specified date the by-law was duly approved by the Minister and come into operation on a specified date, shall be admitted in evidence in any court without further proof, and the certificate shall be evidence of the facts stated in it without further proof, and without proof of the handwriting or official position of the person purporting to sign the certificate.

Acts, 1967
No. 6

(2) Nothing in this section shall be construed as derogating from any provisions of the Evidence Act, 1967, operating to permit a court to take cognizance of any by-law without its due making being established by abduction of evidence.

Copy of by-laws to be deposited to offices of urban authorities

87.-(1) A copy of every by-law made in accordance with this Part shall be kept at the officer of the urban authority by whom it was made or, as the case may be, in relation to which it is applicable, and shall at all reasonable times be open to inspection by the public free of charge, and a copy of it may be furnished on application, to any person affected by it on payment of such sum as the authority may determine.

(2) An urban authority shall send a copy of every by-law made by it to every person or body of persons exercising jurisdiction in the area of the authority and to every ward committee to which the by-law applies.

(3) Any person, body of persons or ward Committee which receives a copy of a by-law under this section shall deposit it at its offices and the copy so deposited shall be open to inspection by the public free of charge.

88.-(1) An urban authority may, in the by-laws it makes, annex to the breach of any by-law or any order made under it such fine, not exceeding five thousand shillings or such term of imprisonment not exceeding twelve months or both that fine and imprisonment as it may deem fit and may, subject to the preceding limitations, annex different fines and different terms of imprisonment for successive or continuous breaches of any by-law. ^{Penalties for breach of by-laws}

(2) Where any person is convicted of failing to comply with, or contravening, any conditions subject to which a licence or permit has been granted to him under the provisions of any by-law made under the provisions of this Act, the court may, in addition to, or in substitution for, any penalty prescribed by that by-law, cancel the licence or permit in respect of which the offence has been committed.

PART VII

PROVISIONS RELATING TO LEGAL PROCEEDINGS

(3) Any by-law may provide that in addition to any penalty, any expense incurred by the urban authority in consequence of any breach of that by-law or in the execution of any work directed by that by-law to be executed by him shall be paid by the person committing the breach of failing to execute the work and may be recoverable summarily as a civil debt.

89. Where any matter or this is directed or prohibited to be done by or under this Act, or where any authority is given by this Act to any person to direct or prohibit anything or matter to be done, then if the act or thing detected to be done remains undone or if the prohibited act or thing is done, every person offending against the direction or prohibition shall in every such case be guilty of an offence against this Act or, as the case may be, the subsidiary legislation made under it. ^{Offences}

Powers of
entry

90. Subject to this Act, any officer or employee of an urban authority duly authorized in that behalf may at all reasonable times enter into or upon any land, building, premises or vessel within the area of the authority for the purposes of carrying out any inspection, inquiry or the execution of works under the provisions of this Act or any by-law, regulation, rule or order made by or for the authority.

Powers of
arrest

91.-(1) Subject to subsection (3), any police officer may arrest without warrant -any person who commits any offence against this Act or any by-law or other subsidiary legislation made under it and any Director or Ward Secretary may arrest without warrant any person who in his presence, commits an offence against any by-law made by an urban authority.

(2) Subject to the provisions of subsection (3), any officer or employee of an urban authority in uniform and authorized in writing for the purpose by a Regional or Area Commissioner, may arrest without warrant any person who in his presence commits any offence against any by-law of an urban authority made under this Act, and may, subject to the directions of the Regional or Area Commissioner in question, detain that person for such time as may be reasonably necessary to deliver him before a court to be dealt with according to law.

(3) The powers conferred by subsection (1) and (2) shall only be exercised if the person proposing to arrest or detain any person has reasonable grounds for believing that person will not attend a court in response to any process issued against him.

Offence to
obstruct

92. Any person who-

- (a) wilfully obstructs any member of an urban authority or any of its officers or employees in the execution of his duty;
- (b) being the occupier of any premises, prevents the owner of the premises, his agent or the person for the time being receiving rent for the premises from complying with any of the requirements of the authority;
- (c) being the occupier of any premises, on demand refuses or wilfully omits to disclose or wilfully mis-states the name of the owner of the premises, his agent or the person for the time being receiving rent for the premises,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.

93.-(1) Any person who-

- (a) having been elected or appointed as a member of an urban authority but not having been, at the time when he was elected or appointed, qualified to be so elected or appointed, sits or votes in the authority; or
- (b) sits or votes in an authority after his seat there has become vacant or he has become disqualified from sitting or voting in it,

Penalty for unqualified person sitting or voting

knowing or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding two hundred shillings for every day upon which he so sits or votes.

(2) Such penalty shall be recoverable by action at the suit of the urban authority concerned.

(3) The provisions of this section shall not apply in the case of any disqualification from voting arising under the provisions of this Act regarding duty of members not interested in contracts.

94. Any person who is guilty of any offence against the provisions of this Act shall, for every such offence, be liable on conviction for it to the penalty expressly prescribed by this Act and, if no such penalty is prescribed, to a fine not exceeding three hundred shillings or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.

General penalty

95. The books and register of any urban authority and any extracts from them certified by the Chairman or other officer authorized in that behalf by the authority shall, in any proceeding for the recovery of any amount alleged to be due to the authority, be *prima facie* evidence of the amounts so due.

Books to be Prima facie evidence of sums due

96. Where any offence against any provision of this Act is committed by a company or partnership, every director, manager, secretary or other person having the management or control, in Mainland Tanzania, of the business or property in the case of a company, and every such person and each partner in the case of a partnership, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance, but nothing in this section shall be deemed to exempt from liability any other person guilty of any such offence.

Contravention by company or partnership

97.-(1) No suit shall be commenced against an urban authority until one month at least after written notice of intention to commence the suit has been served upon the authority by the intending plaintiff or his agent.

Notice of suits

(2) The notice served under this section shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

Limitation of suits against authorities 98. Nothing in this Act shall prejudice the right of an urban authority to rely upon any written law relating to the limitation of time for bringing proceedings.

Mode of service on authority 99.-(1) Subject to subsection (2), the notice referred to in section 97 and any summons, notice or other documents required or authorized to be served on an authority shall be served by delivering it to, or by sending it by registered post addressed to the Chairman or the chief executive officer of the authority at the principal office of that authority.

(2) The court may with regard to any particular suit or document order service on the authority to be effected otherwise, and in that case service shall be effected in accordance with the terms of the order.

Appearance of authority in legal proceedings 100. Subject to general instructions given by the Attorney-General, in any prosecution by or on behalf of an urban authority in any court, and in any civil case or matter in a court in which an authority is a party, the authority may be represented by any officer or employee duly authorized in that behalf by the authority, notwithstanding that officer or employee is not an advocate within the meaning of the Advocates Ordinance.

Cap. 341

Trial of persons 101. Save as is otherwise expressly provided, any person accused of an offence against this Act or any subsidiary legislation made under it may be tried by any court of competent jurisdiction.

Preservation of jurisdiction of courts 102. No court shall be precluded from trying an offence under this Act by reason only that the offence, if committed, was a breach of an order, resolution, by-law or rule issued or made by a member or members of the court as a member or members of any urban authority or by reason only of the fact that the proceedings have been instituted by or on behalf of any member or officer of or agent for an authority.

Appeals 103. All appeals by or against an urban authority shall, depending on the court of original jurisdiction in any particular matter, be brought before and heard by a competent court exercising appellate jurisdiction.

Description of property 104. Wherever in any criminal process or proceeding it is necessary to refer to the ownership or description of property belonging to or under the management of an urban authority, the property may be described as the property of the authority.

105. If for any purpose or in any proceeding under this Act, a question arises as to whether any person is or is not the occupier of any tenement or building, the burden of proof that such person is not the occupier of the tenement or building shall be on the person who alleges that person is not the occupier, and that person shall be deemed to be the occupier unless the contrary is shown.

Burden of proof as to who occupier

106. In any proceedings instituted by or on behalf of an urban authority it shall not be necessary to prove the corporate name or name of the authority or the constitution or the limits of its area.

Name of authority, etc., need not be proved

107.-(1) Subject to this section, any notice, order or other document required or authorized by this or any other Act to be served by or on behalf of an urban authority or by an officer of the authority, on any person shall be deemed to be duly served-

Service of notice by authority

- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either-
 - (i) sent by registered post; or
 - (ii) delivered at the registered office, or at the principal office or place of business, of the company;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or the style under which its business is carried on, and is either-
 - (i) sent by registered post; or
 - (ii) delivered at that office;
- (c) where the person to be served is a public body, an urban authority, or a corporation, society or other body, if the document is addressed to the chief executive officer, president, secretary, treasurer or other principal officer of that body or authority, corporation or society at its principal office and is either-
 - (i) sent by registered post; or
 - (ii) delivered at that office;
- (d) in any other case, if the document is addressed to the person to be served, and is either sent to him by registered post or delivered at his residence or place of business.

(2) Any document which is required or authorized to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier", as the case may be, of those premises, naming them, without further name or description, and shall be deemed to be duly served-

- (a) if the document so addressed is sent or delivered in accordance with paragraph (d) of subsection (1); or
 - (b) if the document so addressed or a copy of it so addressed is affixed to some conspicuous part of the premises.
- (3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to have been served on each partner.
- (4) For the purposes of enabling any document to be served on the owner of any premises, his agent or the person for the time being receiving rent for the premises, the urban authority may require the occupier of the premises to state the name and address of their owner, his agent or the person for the time being receiving rent for the premises.

Authenti-
cation and
execution of
documents

108.-(1) Subject to the provisions of this Act, every by-law, order, notice or other document requiring authentication by an urban authority shall be deemed to be sufficiently authenticated without the seal of the authority if signed by two members of the authority or by the chief executive officer of the authority or by any officer of the authority duly authorized in that behalf by any resolution of the authority; save that the authority shall cause at least one copy of every by-law made by it to be authenticated by the official seal of the authority and deposited in the offices of the authority.

(2) Every instrument and deed shall be executed by an urban authority under its official seal. Any contract or other document shall be deemed to be duly executed by or on behalf of an authority if signed by the Chairman or the Vice-Chairman and by an officer of the authority duly authorized in that behalf by a resolution of the authority.

(3) Any document purporting to be a document duly authenticated or executed by or on behalf of an urban authority shall, unless the contrary is proved, be deemed to be a document so executed or authenticated.

Publication of
notices, etc.

109.-(1) Subject to subsection (2), and save as otherwise expressly provided in this Act or any other written law, the publication of any by-law, order, notice or other document required by this Act to be published shall be deemed to be duly made-

- (a) if it is published in the *Gazette*; or
- (b) if it is fixed for a reasonable time in some conspicuous place on or near the outer door of the office of the authority during office hours or is made known in such other manner as is customary in the area of the authority.

(2) Nothing in this section shall be construed as authorizing the publication of any rules or regulations made under this Act otherwise than in the *Gazette*.

PART VIII

FINAL PROVISIONS

110. The following written laws are hereby repealed, namely-

- (a) the Urban Councils (Interim Provisions) Act, 1978;
- (b) the Urban Wards (Administration) Act, 1976.
- (c) the Municipalities Ordinance.

Repeals
Acts 1978
No. 11
Acts, 1976
No, 10
Cap. 105

111. Notwithstanding the repeal of the written laws specified in section 110, and unless there is, in any particular case, in this Act any express provision to the contrary-

- (a) no right, obligation or other entitlement of an person or body which was extinguished by the enactment and application of the Decentralization Act shall be revived for the reason only of the establishment by this Act of an urban authority by the name or style of an authority previously existing in the area formerly of the authority dissolved by the Decentralization Act;
- (b) all officers and staff appointed to hold offices under any of the laws repealed and whose appointments are in force immediately before the commencement of this Act shall, unless their offices are abolished by virtue of this Act or until the appointments are terminated or new officers are appointed in their places, continue to serve in those offices and shall, for that purpose, be deemed to be serving in those offices in pursuance of this Act;
- (c) all licences, permits, authorizations and Other instruments or documents granted or given by an urban council shall, so long as they subsist on the date of commencement of this Act, continue in full force and effect until they expire, cease to have effect or are replaced by new ones issued or granted under this Act;
- (d) all proceedings pending in court by or against any urban council shall be continued and completed against the urban authority established in the area formerly under the jurisdiction of that urban council, but no financial liability shall lie against the local government authority as a result of those proceedings save in accordance with the provisions of the Local Government Finances Act, 1982, relating to the disposition of liabilities of existing local government authorities after the commencement of this Act;
- (e) all subsidiary legislation made prior to the commencement of this Act in relation to the area of a new urban authority by a former urban council shall remain effective and in force in

Savings

Acts, 1982
No. 9

the area of the authority unless it is sooner amended, revoked or replaced by legislation made under this Act, and may be enforced by the urban authority as if it were subsidiary legislation made by that authority.

SCHEDULE

(Section 55 (2))

function which Urban Authorities may Perform


- (1) provide services for the improvement of agriculture;
- (2) control or prescribe the methods of husbandry in respect of any agricultural land;
- (3) require the taking of such measures as may be necessary for the preservation of harvested crops;
- (4) suppress or control animal or insect pests or plant pests, noxious weeds or plant diseases;
- (5) declare any area of land to be reserved for the purpose of reconditioning, whether by artificial measures or natural regeneration or both, or for the purpose of planting with fodder plants and prohibit, control or regulate the use of such area;
- (6) provide services for the improvement of livestock;
- (7) build, equip and let shops and dwelling houses;
- (8) prohibit, restrict and regulate the construction, alteration, alignment and elevation of all buildings and other structures and of parts thereof, and compel the demolition, removal, repair or rendering safe of any building, structure or part thereof which, in the opinion of the authority is dangerous or unfit for occupation for structural or sanitary reasons or which otherwise constitutes a nuisance and for the doing of any such work as aforesaid at the cost of the owner or occupier and for recovering such costs;
- (9) provide for building lines and the lay-out of buildings;
- (10) regulate the amount of space to be allowed in and about buildings or securing the proper ventilation thereof and the free circulation air;
- (11) regulate the closing of buildings or parts of buildings unfit for human habitation;
- (12) erect and maintain houses for occupation by such persons as the authority shall decide;
- (13) make advances upon such conditions as shall be thought fit for the purpose of enabling the inhabitants of the area to build or to buy dwelling houses;
- (14) prescribe the conditions to be satisfied by a site for any building or for any class of buildings;
- (15) prohibit the construction of any new building unless and until the plans thereof have been submitted, to and approved by the authority;
- (16) prohibit or regulate the use in any defined area of any inflammable material in the construction or repair of any building;
- (17) establish, erect, equip and maintain social or welfare centres, public libraries and cinemas;
- (18) establish, erect, equip, and maintain communal feeding centres and canteens for the supply of food and drink, including intoxicating liquors;
- (19) make grants of money towards the establishment and maintenance of libraries and museums;
- (20) acquire, hire, erect and maintain such offices and buildings as may be required for the purposes of the authority;

- (21) prohibit or regulate the making of borrow pits or other excavations;
- (22) require the proper conveyance, burial or cremation of deceased persons in cemeteries or otherwise;
- (23) conduct funerals;
- (24) establish, maintain and control burial and cremation grounds;
- (25) grant sums of money towards the establishment, equipment or maintenance of schools and educational institutions;
- (26) grant and maintain scholarships or bursaries to suitable inhabitants of the area to attend any school or other educational institution in Tanzania or elsewhere;
- (27) provide services and prescribe steps to be taken for the prevention, control or relief of famine, including relief works, the provision of seed, the acquisition, whether by purchase or compulsory deposit, of foodstuffs for storage, the storage of such foodstuffs and the control of movement of persons, whether for the purposes of feeding them or otherwise, and any other measure necessary for the purpose;
- (28) establish, maintain and control fire brigades;
- (29) establish, erect, maintain and control premises for the inspection, treatment, storage, sale and distribution of articles of food;
- (30) regulate or control the production and sale of milk and milk products;
- (31) provide services for the purchase, processing and sale of milk and milk products;
- (32) establish, maintain and regulate premises for the drying, cleaning and storing of hides and skins;
- (33) regulate or control the drying, cleaning and storage of hides and skins;
- (34) establish, regulate and control markets, regulate and control trade therein, construct market buildings, and let stands or plots in such matters;
- (35) prohibit, regulate or control trade otherwise than at established markets;
- (36) regulate and control the fixing of and collection of stallages rent and tolls in markets;
- (37) take measures for the prevention and abatement of nuisances, including such as arising outside the area cause annoyance, danger or injury to health within the area;
- (38) secure the destruction of locusts in any stage of development;
- (39) exterminate and prevent the spread of tsetse fly, mosquitoes, bugs and other insects;
- (40) establish, erect, maintain and control centres for the inspection and storage of produce;
- (41) regulate or control the inspection, movement and storage of produce;
- (42) safeguard and promote public health including the prevention of and the dealing with any outbreak or the prevalence of any disease;
- (43) control the residence and movement of persons in order to prevent or check the spread of sleeping sickness or other communicable disease;
- (44) build, equip and maintain, or grant sums of money towards the establishment, equipment or maintenance of hospitals, health centres, maternity clinics, dispensaries, asylums for the aged, destitute or infirm or for orphans, or institutions for lepers;
- (45) establish and operate ambulance services;
- (46) establish, install, build, maintain and control drains, latrines, public lavatories, baths and wash places;
- (47) establish, maintain, operate and control drainage and sewerage works;
- (48) regulate the washing of clothes in public places within the area;
- (49) establish, maintain and carry out service for the removal and destruction of and otherwise dealing with night soil and all kinds of refuse;
- (50) establish, erect, maintain and control disinfecting stations;

- (51) prohibit the possession, conveyance, handling, sale or offering for sale, and provide for the destruction when deemed necessary of diseased animals or carcasses or of any article of food or drink which is diseased or unfit for human consumption;
- (52) control the movement of beggars in streets and public places;
- (53) require person to carry lights during certain hours in certain;
- (54) suppress brothels and disorderly houses and take measures to prevent prostitution;
- (55) provide for the return of destitute persons to their homes;
- (56) prohibit, regulate and control meetings, processions, dances, beer parties and other assemblies;
- (57) regulate and control public collection of money in streets and other public places within the area;
- (58) prohibit, regulate and control the use of firearms;
- (59) prohibit any actor conduct which in the opinion of the authority is likely to cause a riot or any disturbance or breach of the peace;
- (60) prohibit, restrict, regulate or licence tribunal or traditional dances.
- (61) establish, control and manage recreation grounds, open spaces and parks;
- (62) erect, supply and maintain buildings and equipment for recreational purposes;
- (63) establish, maintain and control camping grounds and out-pan&;
- (64) regulate the upkeep of parks, gardens, recreation grounds and other public places;
- (65) establish, erect, maintain and control dipping tanks;
- (66) purchase and operate for hire agricultural tractors machinery;
- (67) operate and maintain crop processing or drying plants;
- (68) establish and maintain seed farms, plant nurseries, aspiaries, fish ponds and animal at sud;
- (69) establish, maintain and operate aerodromes and landing grounds;
- (70) establish, erect, maintain and control public weighing machines;
- (71) establish, erect, maintain and control slaughter houses;
- (72) establish, erect, maintain and control laundries;
- (73) establish, erect, maintain and control cold storage works;
- (74) establish, maintain and control systems of lighting in public places;
- (75) establish, acquire and maintain omnibus or transport services;
- (76) establish, acquire and maintain ferry or boating services;
- (77) provide for the registration of births, deaths and marriage within any area in which such registration is not provided for by any other law;
- (78) require the notification and registration of any marriage, birth or death within the area, the notification or registration of which is not required by any other law, and appoint registration offices and registrars for such purposes;
- (79) regulate and require the registration of the making of testamentary dispositions;
- (80) regulate and require the registration, of transactions in immovable property;
- (81) make, maintain, alter, divert and close roads, streets and roads of any specified classes, paths, culverts, street drains and water courses;
- (82) make, maintain, alter and close bridges, spurares and open spaces.
- (83) name and number, and alter the names and numbers of roads, streets and houses;
- (84) prohibit or regulate the use of streets in the area;
- (85) provide that the owner or occupier of any land or tenements maintain, clear and keep free from vegetation the roads or paths adjoining his land or tenements;
- (86) regulate the use and lighting of bicycles and other vehicles;
- (87) engage in local trading or industry;
- (88) carry on any works or undertaking authorized by the Minister

- (89) sell or buy products resulting from the carrying on, by or on behalf of the authority of any works or undertakings which the authority is authorized to carry on;
- (90) establish, Provide, maintain and control public water supplies and impose water rates;
- (91) prevent the Pollution of water in any river, stream, water course, well or other water supply in the area, and for this Purpose prohibit, regulate or control the use of such water supply;
- (92) regulate or prohibit the sinking of wells and provide for the closing of wells;
- (93) regulate or prohibit the construction and use of furrows;
- (94) grant sums of money to any association existing for the promotion of arts and crafts
- (95) regulate or control the use of swamp or marshland;
- (96) establish, erect, maintain and control public monuments;
- (97) control and regulate the sitting of advertisements and hoardings;
- (98) regulate the use and prevent the misuse or waste of or any interference with water, gas, oil or electric power;
- (99) do all things necessary for carrying out any of the purposes of this Act which the authority is authorized to carry out or for any purpose not specifically provided for in this Act which the Minister may determine to be exercise by the authority of its powers and duties under the provisions of this Act;
- (100) incur all expenditure necessary for the carrying out of any of the purposes of this Act or any Purpose not specially provided for in this Act which the Minister may determine to be a purpose incidental to the exercise by the authority of its powers and duties under the Provisions of this Act;
- (101) Provide funds for meeting the expenses of courts, including the provision of court houses and other buildings and personal emoluments for the staff of such courts;
- (102) engage paid labour for essential public works;
- (103) require the performance of unpaid communal labour or the payment of a composition in lieu section and not barred by any Convention respecting the use of forced labour; and that
- (104) subject as aforesaid an authority may perform or shall perform any other functions whether similar to those enumerated in this section or not, which may be specifically assigned to an authority by the Minister.

Passed in the National Assembly on the twenty-seventh day of April, 1982.


Clerk of the National Assembly