

TANGANYIKA



No. 62 OF 1963

I ASSENT,

*Julius K. Nyerere*  
President

24<sup>TH</sup> DECEMBER, 1963

**An Act to establish a Rural Settlement Commission and for matters incidental thereto**

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Rural Settlement Commission Act, Short title 1963, and shall come into operation on such date as the Minister may, by and commencement notice in the *Gazette*, appoint.

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

Interpre-  
tation

“Commission” means the Rural Settlement Commission established by section 3;

“financial year of the Commission” means a year commencing on the first day of July, and ending on the next following thirtieth day of June:

Provided that the first financial year of the Commission shall commence on the date of coming into operation of this Act, and end on the thirtieth day of June, 1964;

“member” means a member of the Commission and includes the Chairman thereof;

“Minister” means the Vice-President or such other Minister as is for the time being responsible for rural settlement.

3.—(1) There is hereby established a Commission which shall—

Establish-  
ment of  
Commission

- (a) be a body corporate under the name of the Rural Settlement Commission with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) be capable of holding, purchasing and otherwise acquiring, and of alienating, any movable or immovable property for the purposes or in the course of the carrying out of its functions.

(2) The provisions of the Schedule hereto shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Commission.

- Functions of Commission** 4.—(1) The functions of the Commission shall be to promote, develop and control rural settlement in Tanganyika and, in particular, but without prejudice to the generality of the foregoing—
- (a) to establish, maintain and develop rural settlements; and
  - (b) to allocate priorities for the establishment of rural settlements.
- (2) The Commission shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge, and may carry on any activities in that behalf either alone or in association with any other person or body (including the Government).
- (3) For the avoidance of doubts it is hereby declared that the provisions of subsection (2) with respect to the powers of the Commission relate only to its capacity as a body corporate and nothing in that subsection shall authorize the disregard by the Commission of any enactment or rule of law.
- Report to Minister** 5. The Commission shall, within six months after the end of each financial year of the Commission, make a full report to the Minister on the conduct of its business during that year, and the Minister shall lay a copy thereof before the National Assembly.
- Appointment of staff** 6. The Commission may, from time to time, appoint on such terms and conditions as it shall think fit, such officers, clerks and servants as it may consider necessary for the effective carrying out of its functions.
- Funds of Commission** 7. The funds and resources of the Commission shall consist of—
- (a) such sums as may be provided by Parliament for the purpose;
  - (b) all other sums or property which may in any manner become payable to or vested in the Commission in respect of any matter incidental to the carrying out of its functions.
- Borrowing and investment** 8.—(1) The Commission may, with the prior consent of the Minister and subject to such conditions as he may determine, borrow sums required by it for meeting any of its obligations or for the purpose of carrying out any of its functions.
- (2) A person lending money to the Commission shall not be bound to inquire whether the borrowing of that money is within the power of the Commission.
- (3) The Commission may, with the approval of the Minister, and subject to such conditions as he may determine, invest such part of its funds as are not required for the purposes of its business.
- Accounts and audit** 9.—(1) The Commission shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year of the Commission a statement of accounts in such form as the Minister may direct, being a form which conforms with the best commercial standards.
- (2) Subject to any resolution of the National Assembly under section 28 of the Exchequer and Audit Ordinance, 1961, the accounts of the Commission shall be audited by auditors appointed annually by the Minister.
- Ord. 1961  
No. 21

(3) As soon as the accounts of the Commission for any financial year thereof have been audited, it shall send a copy of the statement of accounts prepared in respect of that year to the Minister together with a copy of any report made by the auditors on the statement or on the accounts.

(4) The Minister shall, within a period of six months (or such longer period as the National Assembly may by resolution appoint) after the end of the financial year of the Commission to which the accounts relate, lay a copy of every such statement and report before the National Assembly.

10.—(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Commission— <sup>Execution of documents</sup>

- (a) if sealed with the common seal of the Commission and signed by two members thereof;
- (b) if executed in that behalf by one member of the Commission and an officer thereof both being appointed by the Commission for that purpose.

(2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall, subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the Commission, be effective in law to bind the Commission and its successors and all other parties thereto and may be varied or discharged in like manner as that in which it was executed.

11. The Minister may make regulations for the better carrying out of the purposes of this Act, including regulations prescribing the terms and conditions on which officers, clerks and servants may be appointed and their terms of office. <sup>Regulations</sup>

#### SCHEDULE

(Section 3 (2))

##### *Constitution and Proceedings of the Commission*

1.—(1) The Commission shall consist of a Chairman and such number of other members, being not less than six and not more than fourteen, as the President may from time to time determine. <sup>Constitution</sup>

(2) The Chairman and other members shall be appointed by the President.

(3) A member shall, unless his appointment is sooner terminated by the President or he otherwise ceases to be a member, hold office for such period as the President may specify in his appointment or, if no period is so specified, for a period of two years from the date of his appointment, and shall be eligible for re-appointment.

(4) Any member may at any time resign by giving notice in writing to the President and from the date specified in the notice or, if no date is specified, from the date of the receipt by the President of the notice, he shall cease to be a member.

2. Where any member ceases to be a member before the normal expiration of his term of office, the President may appoint another person in his place to hold office until such first-named person's term of office would have expired had he not so ceased to be a member. <sup>Vacancies</sup>

3.—(1) The Commission shall meet at such times as may be necessary or expedient for the transaction of its business. <sup>Quorum and procedure</sup>

(2) At any meeting of the Commission, not less than one half of the members shall constitute a quorum.

(3) At any meeting the Chairman shall preside or, in the absence of the Chairman, the members present at the meeting shall elect one of their number to be Chairman for that meeting.

(4) In the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(5) The Commission may co-opt any one or more persons to attend any meeting for the purpose of assisting or advising the Commission but no such person shall have the right to vote on any matter.

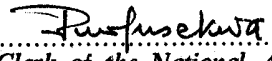
(6) Minutes in proper form of each meeting shall be kept by such officer as the Commission may appoint and shall be confirmed by the Commission at the next meeting and signed by the Chairman of that meeting.

(7) Subject to the provisions of this paragraph, the Commission may regulate its own procedure.

Vacancies,  
etc. not to  
invalidate  
proceedings

4. Subject to the provisions of paragraph 3 relating to a quorum, the Commission may act notwithstanding any vacancy in the membership thereof, and no act or proceeding of the Commission shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.

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

  
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Clerk of the National Assembly