

TANGANYIKA



No. 14 OF 1962

Governor-General

12TH JUNE, 1962

An Act to amend the Local Government Ordinance

[15TH JUNE, 1962]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Local Government Ordinance (Amendment) (No. 2) Act, 1962, and shall be read as one with the Local Government Ordinance (hereinafter called the Ordinance).

Short title
and
construction
cap 333

2. The Ordinance is hereby amended by inserting immediately after section 57 thereof the following new section to be numbered 57A: —

New
section 57A
inserted in
cap 333

"Power to
dissolve
authority

57A.—(1) Without prejudice to the powers conferred upon him by section 56, where the Minister is satisfied that any authority has failed to comply with any of the provisions of this Ordinance or any other written law or has conducted its affairs in a manner incompatible with any of the provisions of this Ordinance 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 Ordinance or any other written law) he may, by order published in the *Gazette*, dissolve the authority, and may, by the same or any other order, transfer to such person or body as he may think fit all or any of the functions of the authority so dissolved.

(2) Any person or body to whom any of the functions of an authority have been transferred under subsection (1), shall when performing such functions and in respect thereof be deemed to be such authority for the purposes of this Ordinance and when so acting shall have all the powers and immunities of such authority, including the power of adhibiting the common seal thereof.

(3) An order made under this section dissolving an authority shall not have effect so as to invalidate any act, matter or thing validly done or omitted to be done by the authority or by any person or body on its behalf, and every licence, registration or permit lawfully issued, made or granted by the authority or by any person or body on its

behalf and still in force on the date of dissolution of the authority shall continue in force for the period specified in such licence, registration or permit unless the same is sooner lawfully surrendered, forfeited, suspended, revoked or cancelled."

Section 58
of Cap. 333
repealed and
replaced

3. Section 58 of the Ordinance is hereby repealed and replaced by the following new section:-

"Rules by
Minister

58.-(1) The Minister may make rules of general application to provide for the more effective carrying out of any order made by him under section 56 or 57A for the suspension or dissolution of an authority or for the transfer of any of the functions of an authority to another person or body and, in particular, but without prejudice to the generality of the foregoing, may by such rules provide for the custody, control, ownership or disposal of any property whatsoever held by or under the control of any such authority or held by any other person on behalf of such authority, and for the transfer and disposal of any rights, interests, obligations and liabilities of or accruing to such authority under any instrument whatsoever.

(2) Without prejudice to the provisions of subsection (1), the Minister may give, to or in relation to any particular authority, written directions, not inconsistent with any rules made under that subsection, as to any of the matters in relation to which he is by that subsection authorized to make rules."

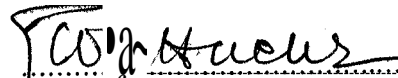
Section 139
of cap 333
amended

4. Section 139 of the Ordinance is hereby amended by deleting subsection (3) thereof and substituting therefor the following new subsections to be numbered (3) and (3A): -

"(3) The provisions of sections 128, 129, 130, 131, 132, 134, 135, 136, 137 and 138 of this Ordinance (or any of them) may be incorporated, with or without modification, in the scheme but, save in so far as such provisions are so incorporated, such provisions shall in relation to every authority to which the scheme applies cease to have effect on the date on which under the scheme the Local Government Service is established, as if they had been repealed.

(3A) The scheme may impose penalties for offences created by the scheme not exceeding a fine of four thousand shillings or imprisonment for a term not exceeding two years or both such fine and imprisonment."

Passed in the National Assembly on the day of June, 1962.


Clerk of the National Assembly