

THE UNITED REPUBLIC OF TANZANIA



No. 16 OF 1965

I ASSENT,

Julius K. Nyerere

President

24TH MARCH, 1965

An Act to amend the Local Government Ordinance

[26TH MARCH, 1965]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Local Government Ordinance (Amendment) Act, 1965, and shall be read as one with the Local Government Ordinance.

Short title and construction Cap. 333

2. Part XIII of the Local Government Ordinance is hereby repealed and the following new part substituted therefor:-

Repeal and substitution of Part XIII of Cap. 333

"PART XIII

LOCAL GOVERNMENT LOANS BOARD

Interpretation

118. In this Part, "local authority" means the City Council of Dar es Salaam, a Municipal Council, a Town Council and a District Council.

Establishment of Board

119. There is hereby established a Local Government Loans Board which shall be a body corporate with perpetual succession and a common seal having power-

- (a) to sue and be sued;
- (b) to purchase and otherwise acquire and to alienate any movable or immovable property; and
- (c) to employ officers, servants and agents.

Constitution and procedure of Board

120.-(1) Members of the Board shall consist of one member appointed by the Minister for Finance and such further members as the Minister shall appoint.

(2) Members of the Board shall hold office for three years following their appointment or such lesser period as their appointment may specify:

Provided that the Minister for Finance or the Minister whichever is appropriate may, by notice in the *Gazette*, terminate the appointment of a member and appoint a replacement.

(3) The Chairman and Vice-Chairman of the Board shall be appointed by the Minister from, among the members of the Board.

(4) The Vice-Chairman shall have all the powers and authority of the Chairman whenever the Chairman is unable through absence or other sufficient cause to perform the duties of his office.

(5) The Board shall meet at such times as the Chairman shall decide.

(6) At any meeting of the Board—

(a) the Chairman shall preside;

(b) the Chairman shall have a casting vote in addition to a deliberative vote;

(c) a decision of a majority of the members present and voting shall be deemed to be a decision of the Board;

(d) a majority of the members of the Board shall constitute a quorum.

(7) A resolution in writing signed by not less than three quarters of the members for the time being of the Board shall be as valid and effectual as if decided at a meeting of the Board. Copies of all such resolutions shall be circulated to all members of the Board.

(8) Subject to the provisions of this section, the Board may make rules governing its own procedure and the procedure of any committee appointed by the Board.

(9) The Board may appoint a committee consisting of a member or members of the Board and may delegate to such committee the performance of any of the powers or duties of the Board.

Protection
from
personal
liability

121. No matter or thing done by any member of the Board or the Board or any person on its behalf shall, if the matter or thing be done in good faith for the purpose of carrying out the provisions of this Act, render such person personally liable in any civil action, suit or other proceedings whatsoever in respect thereof.

Objects and
functions

122. The objects and functions of the Board shall be—

(a) to receive, administer and invest the funds of the Board;

(b) to lend the funds of the Board to local authorities for the provision of development works and services;

(c) to provide financial assistance to local authorities whether by way of grants, furnishing of guarantees or otherwise.

Provided that no financial assistance by way of guarantee shall be given without the approval of the Minister;

- (d) to provide and operate services on behalf or for the benefit of local authorities.

Directions by Minister **123.** The Minister, with the concurrence of the Minister for Finance, may issue directions in writing to the Board as to the manner in which the Board shall effect its objects and functions and the Board shall act in accordance with such directions.

Funds **124.** The funds of the Board shall consist of-
 (a) such sums as may be provided by Parliament for the purpose;
 (b) such sums as may be deposited with the Board by local authorities or may vest in the Board;
 (c) all other receipts of the Board whether by way of interest on investments of the Board or otherwise.

Accounts and audit **125.**-(1) The Board shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year of the Board a statement of accounts in a form approved by the Minister.

Cap. 439 (2) The accounts of the Board shall be audited by the Controller and Auditor-General in accordance with section 28 of the Exchequer and Audit Ordinance.

(3) The Minister shall, in each year, lay before the National Assembly a copy of the report on the audit of accounts.

Borrowing **126.** The Board may, with the approval of the Minister given with the concurrence of the Minister for Finance, borrow monies for the purpose of effecting its objects and functions and monies so borrowed shall constitute part of the funds of the Board.

Interest on deposits **127.** The Board may pay interest to local authorities in respect of monies deposited by them with the Board at such rate as the Minister with the concurrence of the Minister for Finance shall determine."

3. The Local Government Ordinance is hereby further amended as follows:-

- (a) in section 2, by deleting the definitions "local Councils Board" and "Board" and substituting therefor the following definitions:-
 "'Local Government Loans Board' and 'Board' mean the Local Government Loans Board established by section 119 of this Ordinance;";
- (b) in subsection (1) of section 12, by deleting the words and brackets "(which shall not include an office of chief which is remunerated wholly or in part from the funds and resources of an authority)";

Cap. 333
 further
 amended

- (c) in subsection (3) of section 12, by deleting the words and symbols "
", in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction,";
- (d) in sections 42A and 42B, by deleting the words "but subject to the provisions of section 421)";
- (e) by deleting section 421);
- (f) by deleting section 43;
- (g) in subsection (1) of section 52, by adding the following new function:-

"(129A) regulate the use of parking places whether in streets or not, prescribe the conditions upon which such parking places may be used by which class of vehicles, the charges for the use of such parking places, the person liable to pay such charges and the method of recovering same;" ;

- (h) in subsection (2) of section 81, by deleting the term "Local Councils Board" and substituting therefor the term "Local Government Loans Board";
- (i) in subsections (2) and (3) of section 81, by deleting the term "Local Council" and substituting therefor the term "authority";
- (j) in section 144, by deleting wherever they occur the words "chief", "headman" or "tribal messenger" and substituting for chief, headman, the words "Executive Officer of a District Council, divisional executive officer, village executive officer", and for tribal messenger the words "messenger employed by a District Council".

Cap. 105
amended

4. The Municipalities Ordinance is hereby amended by adding, immediately below section 89, the following new section-

"Special Fund
Cap. 333 89A. The Minister may direct a council to appropriate a portion of its revenues to a special fund and to deposit such special fund with the Local Government Loans Board established under the Local Government Ordinance."

Transitional

5.-(1) Upon the commencement of this Act-

- (a) the undertaking, assets and liabilities of the Local Councils Board; and
- (b) the funds of the Urban Local Authorities Loans Fund, as the same existed immediately prior to the commencement of this Act shall be transferred to and vest in the Local Government Loans Board.

Cap. 439
First
Schedule

(2) The Exchequer and Audit Ordinance is hereby amended by deleting from the funds contained in the First Schedule thereto the Urban Local Authorities Loans Fund.

Passed in the National Assembly on the eighteenth day of March, 1965.


Clerk of the National Assembly