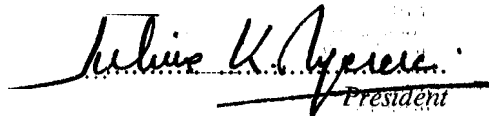


THE UNITED REPUBLIC OF TANZANIA



No. 48 OF 1966

I ASSENT,


President

12TH OCTOBER, 1966

An Act to amend the Local Government Laws and to make provision consequential upon the enactment of the Local Government (Elections) Act, 1966

[14TH OCTOBER, 1966]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Local Government Laws (Amendment and Consequential Provisions) Act, 1966. Short title

PART I

AMENDMENTS TO THE MUNICIPALITIES ORDINANCE

2. In this Part, unless the context otherwise requires, "the Ordinance" means the Municipalities Ordinance. Interpretation
cap.105

3. Section 2 of the Ordinance is hereby amended by inserting in their appropriate alphabetical Positions, the following new definitions: "appointed member" means a member of a council appointed by the New
definitions
inserted

President under section 7;

"the Commission" means the Electoral Commission established by the Constitution;

"elected member" means a member of a council elected at an election held in accordance with the provisions of the Local Government (Elections) Act, 1966; Acts 1966
No. 47

"election" means an election in a ward of an elected member of a council, and includes a by-election for that purpose;

"the Party" means the Party the constitution of which is for the time being set out in the First Schedule to the Constitution;

"polling district" shall have the same meaning as is assigned to that term in the Local Government (Elections) Act, 1966.

"Chairman"
and "Vice-
Chairman"
substituted
for "Mayor"
and "Deputy
Mayor"

4. The Ordinance is hereby amended by deleting the words "mayor" and "deputy mayor" wherever they occur therein and substituting therefor the words "chairman" and "vice-chairman" respectively.

Section 3
of Cap. 105
amended

5. Section 3 of the Ordinance is hereby amended:

(a) in subsection (1) thereof:

(i) by deleting paragraph (i) and substituting therefor the following new paragraph:

"(i) declare any area or place to be a municipality under the jurisdiction of a municipal council (in this Ordinance referred to as the 'council');";

(ii) by deleting the full stop at the end of the subsection substituting therefor a colon and adding immediately below it the following proviso:

"Provided that the President shall only exercise the powers conferred upon him by paragraph (i), (iii), (iv) and (v) after consultation with the Chairman of the Commission."; and .

(b) by deleting subsection (2) thereof.

Sections 5,
6 and 7 of
Cap. 105
repealed and
replaced

6. Sections 5, 6 and 7 of the Ordinance are hereby repealed and replaced by the following sections:

"Members
of councils

5. (1) Every order made under section 3 declaring any area or place to be a municipality shall specify the composition of the council including the number of members who shall be elected and the number of members who shall be appointed:

Provided that the number of members who shall be appointed shall not exceed ten or one half of the number of members who shall be elected, whichever be the less.

(2) The President may, from time to time, by order published in the *Gazette* vary the composition of a council by increasing or reducing the number of members or the number of elected or appointed members.

Elected
members

6. The members of a council to be elected shall be elected in accordance with the provisions of the Local Government (Elections) Act, 1966.

Appointed
members

7.-(1) The members of a council to be appointed shall be appointed by the President by notice published in the *Gazette*.

(2) The President may, notwithstanding any provision to the contrary contained in this Ordinance or any Order or Rule made thereunder or any other written law, appoint any Public Officer to be a member of a council.

Tenure of
office of
members

7A.-(1) Subject to this section, the term of office of members of a council shall be three years, and all members of councils shall retire on the first day of November, 1969 and on the first day of November in every third year thereafter, and their places shall be filled by the newly elected and appointed members who shall come into office on that day.

(2) The ordinary elections of the elected members may be held on a date prior to the date of the retirement of the existing elected members, but the persons elected at such elections shall not take office until the retirement of the existing members.

(3) Every member of a council shall be eligible for re-election or re-appointment.

Chairman
and Vice-
Chairman

7B.-(I) In every municipality established under this Ordinance there shall be a chairman and a vice-chairman.

(2) The chairman of a municipality shall be the person who for the time being holds the office of District Chairman of the Party for the area within which the municipality lies.

(3) The vice-chairman of a municipality shall be elected by the members of the council from amongst its elected members on the first day of November in each year, or so soon as is practicable thereafter, and shall hold office until his successor is elected.

(4) In the event of an equality of votes for two or more candidates for the office of vice-chairman the election shall be determined by lot drawn by the chairman.

(5) In the event of the office of vice-chairman becoming vacant from any cause whatsoever during the term of office of the holder thereof a new vice-chairman shall be elected in the same manner as soon as practicable, and shall serve for the remainder of the period for which his predecessor had been elected.

(6) A retiring vice-chairman shall be eligible for re-election.

(7) For the avoidance of doubt it is hereby declared that the provisions of this Ordinance relating to disqualification of members or providing for a member ceasing to be a member in certain circumstances shall not apply to the chairman but shall apply to the vice-chairman.

(8) The vice-chairman shall, whenever it shall be necessary owing to a vacancy in the office of chairman or his absence, illness or incapacity exercise all the powers and discharge all the duties vested in and imposed upon the chairman under and by virtue of this Ordinance.

(9) If at any meeting of a council the chairman is absent and no vice-chairman has been elected or if the vice-chairman is also absent, the members present shall elect one of their number from amongst the elected members to be chairman of the meeting, and such election shall, in the event of an equality of votes for two or more candidates, be determined between them by lot.

Resignation of councillors

7c. It shall be competent for any councillor to resign his seat on the council by giving one month's notice in writing of such intention to resign to the town clerk.

Temporary absence

7D. Where any councillor proceeds out of Tanzania the President may appoint any person as a temporary member of the council to discharge the duties of the councillor during his absence from Tanzania:

Provided that any such appointment shall cease to have effect on the return of such councillor to Tanzania or on such councillor for any reason ceasing to be a councillor, whichever shall first occur.

Conviction and bankruptcy Of Councillors

7E.-(1) Where any councillor-

(a) is convicted of any offence involving fraud or dishonesty; or

(b) becomes a bankrupt,
he shall thereupon cease to be a councillor.

(2) Where any councillor is convicted of any offence the commission of which, in the opinion of the President, is incompatible with his continuance in office, the President may determine that he shall be disqualified further serving as a councillor and, as from the date when such determination is communicated to him, he shall cease to be a councillor.

Filling of casual vacancies

7F.-(I) Where a vacancy is caused on any council by the death, retirement, resignation, or disqualification of any member or through any other cause:

(a) if the vacancy is in the office of an elected member, a by-election shall be held to fill the vacancy within such period as the Minister may direct;

(b) if the vacancy is in the office of an appointed member, the President may, by notice published in the Gazette, appoint another person to fill the vacancy,

and the person so elected or appointed shall hold office for the remainder of the term of office of his predecessor:

Provided that where a vacancy occurs in the office of an elected member within nine months before the ordinary day of retirement from such office, the vacancy shall not be filled by a by-election but the President may, notwith-

standing anything to the contrary contained in this Ordinance, appoint, by notice published in the *Gazette*, a member to fill the vacancy.

(2) A by-election shall be held in accordance with the provisions of the Local Government (Elections) Act, 1966.

Where alteration in the boundaries made

7G.-(I) Where the President by an order made under section 3 alters the limits of a municipality such order may:

- (a) where the alteration is by way of an addition of an area to the area of the municipality, make provision for:
- (i) the number of additional elected members to represent the additional area;
 - (ii) the election of the additional elected members; and
 - (iii) such other related matters as the President may see fit; and
- (b) where the alteration is by way of reduction in the area of the municipality, make provision for the elected members representing the area removed from the jurisdiction of the municipality ceasing to be members of the council and for such other related matters as the President may see fit.

(2) Where any additional members are elected to represent any additional area of a municipality under this section, such elected members shall hold office until the ordinary date of retirement of the members of the council.

Where composition of council varied

7H.-(1) Where by an order made under section 5 the President varies the composition of a council, he may in such order make provision for:

- (a) election of additional elected members;
- (b) appointment of additional appointed members;
- (c) where the number of members of the council is reduced, the number of members who shall cease to hold office;
- (d) such other related matters as the President may see fit.

(2) All new members elected or appointed in consequence of a variation of the composition of the council shall hold office until the date of the ordinary retirement of the members of the council."

7. Section 9 of the Ordinance is hereby amended by deleting the words "once in every month" which occur in the second line and of substituting therefor the words "once in every three months".

Section 9
of cap.105
amended

Section 11
of cap. 105
amended

8. Section 11 of the Ordinance is hereby amended by deleting the symbols, figures and words "(3) of section 6" in the fourth line and substituting therefor the symbols, figures and words "(4) of section 7B".

Section 20
of cap. 105
repealed
and replaced

9. Section 20 of the Ordinance is hereby repealed and replaced by the following new section: -

"Committees
of a council

20.-(1) Every council shall appoint the following standing committees:

- (a) Finance, Establishments and General Purposes Committee;
- (b) Education and Cultural Committee;
- (c) Public Health Committee;
- (d) Urban Planning Committee;
- (e) Communications and Building Committee; and
- (f) Industrial Development Co-ordination Committee.

(2) A council may, from time to time, as it may think fit, appoint such other occasional or standing committees, either of a general or special nature, as it may think necessary.

(3) A council may, subject to the limitations set by the powers vested in it, delegate to any committee the power to perform any function or do any act.

(4) The quorum necessary for the conduct of the business of a committee shall be fixed by the council.

(5) Where a council establishes a committee under this section it shall elect one of its members to be the chairman of the committee:

Provided that the chairman of the Finance, Establishments and General Purposes Committee shall be the chairman of the council.

(6) A committee appointed under this section may from time to time appoint such sub-committees as it may think necessary and confer upon such sub-committees any of its functions and powers.

(7) The chairman of a sub-committee shall be such member of the committee as the committee may elect in that behalf.

(8) Where at any meeting of a committee or sub-committee the chairman is absent, the committee or sub-committee, as the case may be, may elect one of its members to be the chairman for the purposes of that meeting."

Section 27
of Cap. 105
amended

10. Section 27 of the Ordinance is hereby amended:

- (a) in paragraph (c) thereof by deleting the word, letter and symbols "and (y)" and substituting therefor the commas, letters, figures, symbols and word ", (y) (i), ,(za) (i) and (aa)"; and

- (b) in paragraph (e) thereof by deleting the words and comma . not being fines to one half of which a ward council is entitled" which occur immediately after the words "made thereunder" in the third line.

11. Section 30 of the Ordinance is hereby amended by deleting the words "Chief Secretary" which occur in subsection (3) thereof and substituting therefor the word "Minister"

Section 30
of cap. 105
amended

12. Section 49 of the Ordinance is hereby amended:

- (a) in subsection (1) thereof by inserting a full stop immediately after the words "a common right" in the eighth line and deleting the rest of the subsection; and

Section 49
of cap. 105
amended

- (b) in subsection (3) thereof by deleting the words and brackets "(other than such open public places as are within the area of a ward and have been placed under the control and care of the ward council)" which occur immediately after the words "public place" in the second line.

13. Section 54 of the Ordinance is hereby amended by deleting the commas, words, brackets and figures ", subject to the provisions of subsection (3) of section 114 of this Ordinance," which occur immediately after the words "council shall" in the first line.

Section 54
of cap. 105
amended

14. Section 84 of the Ordinance is hereby repealed and replaced by the following new section:

Section 84
of cap 105
repealed
and replacement

"Power to
dissolve
councils

84.(1) Where the President is satisfied that any council 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 council in the performance of any function conferred or imposed upon the council by or under this Ordinance or any other written law) he may, by order published in the *Gazette*, dissolve the council and may, by the same order appoint such number of persons, not being less than three, as he may think fit, to form a council (hereinafter referred to in this section as "interim council") for the purposes of this Ordinance.

(2) Every interim council appointed under sub-section (1) shall have the same functions as were conferred or imposed upon the council which has been dissolved:

Provided that the President may, by order published in the *Gazette*, modify any of the provisions of this Ordinance insofar as the same shall apply to any interim council.

(3) The President may appoint one of the members of the interim council to be its chairman.

(4) Every interim council appointed under this section shall hold office until the expiration of six months from the date of its appointment or until the members of the council which has been dissolved would have ordinarily retired, whichever first occurs:

Provided that where the office of an interim council expires by effluxion of time within the nine months immediately preceding the date when the members of the dissolved council would have or dinarily retired, the President may, by order published in the *Gazette*, extend the term of office of the interim council until such date of ordinary retirement.

(5) The President may appoint any person to be a member of an interim council to fill any casual vacancy which may occur therein.

(6) Upon the expiration of the term of office of an interim council the municipality shall revert to the jurisdiction of a municipal council which shall, unless its composition has in the meantime been varied under the provisions of this Ordinance, be composed of the same number of elected members and appointed members as the council which was dissolved and the members of such municipal council shall be elected and appointed in the ordinary manner.

(7) Where the office of an interim council expires by effluxion of time and a municipal council is formed, the members of the municipal council shall hold office until the date when the members of the dissolved council would have ordinarily retired.

(8) An order made under this section dissolving a council shall not have effect so as to invalidate any act, matter or thing validly done or omitted to be done by the dissolved council or by any person or body on its behalf, and every licence, registration or permit lawfully issued made or granted by such council or by any person or body on its behalf and still in force on the date of dissolution of the council 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 89 of Cap- 105 amended **15.** Section 89 of the Ordinance is hereby amended in subsection (1) thereof by deleting paragraphs (a), (b). (c). (d). (e). (f) and (g) and substituting therefor the following paragraphs:

"(a) resignation of members of a municipal council;

- (b) the grounds upon which a person shall be disqualified from becoming or continuing to become a member of a municipal council;
- (c) providing for the division of a municipality into wards or variation of the boundaries of wards and the number of elected members to represent each ward:

Provided that no ward shall be established or varied without prior consultation with the Chairman of the Commission and every ward established or varied shall be so established or varied that it shall consist of one or more complete polling districts;

- (d) providing for date of the first and subsequent elections in municipalities; and
- (e) generally for all matters and things necessary or incidental to the foregoing."

16. Section 93 of the Ordinance is hereby amended:

Section 93
of cap.105
amended

- (a) in subsection (1) thereof by deleting the words and comma "subject to the provisions of subsection (2) of this section, all" and substituting therefor the word "All"; and
- (b) by re-numbering subsection (1) thereof as section 93 and deleting subsection (2).

17. Section 100 of the Ordinance is hereby amended:

Section 100
of Cap. 105
amended

- (a) by adding immediately below subsection (2) thereof the following new subsection:

(2A) The amount of any allowance under the provisions of this section shall be subject to the approval of the Minister who may, if he thinks fit, disallow or reduce the allowance but shall not increase it. ; and

- (b) in subsection (4) thereof by deleting the figures, words and brackets "(6) of section 6" and substituting therefor the figures, words and brackets "(8) of section 7B"

18. Section 101 of the Ordinance is hereby amended by deleting the commas and words ", or a ward council or person acting as chairman, councillor or official of a ward council" which occur in the second line thereof.

Section 101
of Cap. 105
amended

19. Section 103 of the Ordinance is hereby amended:

- (a) by deleting the words and commas ", or the area of a ward council, as the case may be" where they occur in the third line thereof; and
- (b) by deleting the words and commas "or of a ward council, as the case may be" wherever they occur therein.

Section 103
of Cap. 105
amended

Section 104
of Cap. 105
amended
Part XIV
of Cap. 105
repealed
The Second
Schedule
amended

20. Section 104 of the Ordinance is hereby amended by deleting subsection (4) thereof.

21. Part XIV of the Ordinance is hereby repealed.

22. The Second Schedule of the Ordinance is hereby amended in the item relating to Cap. 208:

- (a) by deleting from the paragraph in the third column which relates to section 6 (1) the word, letter and symbols "and (y)" and substituting therefor the commas, letters, figures, symbols and word ", (y) (i), (za) (i) and (aa)"; and
- (b) by deleting from the paragraph in the third column which relates to section 7 the word, letter, and symbols "and (y)" and substituting therefor the commas, letters, figures, symbols and word ", (y) (i), (za) (i) and (aa)".

PART II

AMENDMENTS TO THE LOCAL GOVERNMENT ORDINANCE

Interpreta-
tion
Cap. 333

23. In this Part, unless the context otherwise requires "the Ordinance" means the Local Government Ordinance.

New
definitions
inserted

24. Section 2 of the Ordinance is hereby amended In subsection (1) by inserting in their appropriate alphabetical positions, the following new definitions:

"the Commission" means the Electoral Commission established by the Constitution;

"elected member" means a member of an authority elected at an election held in accordance with the provisions of the Local Government (Elections) Act, 1966;

"election" means an election in a ward of an elected member of an authority, and includes a by-election for that purpose;

"the Party" means the Party the constitution of which is for the time being set out in the First Schedule to the Constitution;

"polling district" shall have the same meaning as is assigned to that term in the Local Government (Elections) Act, 1966.

Section 4
of Cap. 333
amended

25. Section 4 of the Ordinance is hereby amended by adding immediately below subsection (4) thereof the following new subsection:

"(5) Notwithstanding anything contained in this Ordinance the Minister shall not establish any area or place as an authority without prior consultation with the Chairman of the Commission."

Section 5
of Cap. 333
amended

26. Section 5 of the Ordinance is hereby amended in subsection (1) thereof by deleting the full stop at the end of paragraph (d), substituting therefor a semi-colon and adding immediately below paragraph (d) the following new paragraph:

"(e) the Minister may with the approval of the President by order make provision for:

- (i) the continuance in office of the members of the existing authority as members of the new authority;
- (ii) election of additional elected members of the new authority;
- (iii) where fresh elections are to be held for all elected members of the new authority and new appointments are to be made for all appointed members of the new authority, the date on which such fresh elections shall be held; and
- (iv) such other related matters as may be necessary:

Provided that all members of the new authority, whether they are members of the existing authority who have continued in office or are members who have been elected or appointed on establishment of the new authority, shall retire on the date when the members of the existing authority would have ordinarily retired had the existing authority continued in existence."

27. Section 8 of the Ordinance is hereby amended:

- (a) in subsection (1) thereof, by deleting paragraph (e) and substituting therefor the following new paragraphs:

Section 8
of Cap. 333
amended

"(e) provide for the total number of members who shall compose an authority;

(ee) provide for the number of members who shall be elected and the number of members who shall be appointed:

Provided that the total number of members to be appointed shall not exceed ten or one half of the total number of members to be elected, whichever be the less;"; and

- (b) in subsection (2) thereof:

- (i) by deleting paragraphs (f), (h), (i), (k), (l), (m), (n) and (p); and
- (ii) by deleting the semi-colon at the end of paragraph (g), substituting therefor a colon and adding immediately below the paragraph the following proviso:

"Provided that no provision shall be made in an instrument for the division of the area of the authority into wards without prior consultation with the Chairman of the Commission;"

28. Section 10 of the Ordinance is hereby amended in subsection (1) thereof:

Section 10
of Cap. 333
amended

- (a) by deleting the commas and words ", after consultation with the authority," which occur in the second and third lines thereof; and
- (b) by deleting the full stop at the end of the subsection, substituting therefor a colon and adding immediately below it the following proviso:

"Provided that the Minister shall not amend any Instrument so as to alter the area under the jurisdiction of an authority or to

		provide for the division of such area into wards or to alter the boundaries of a ward without prior consultation with the Chairman of the Commission."
NOW section 10A added to Cap. 333	29.	The Ordinance is hereby amended by adding immediately below section 10 the following new section: "Wards to compose of polling districts 10A. Every ward established or varied under the provisions of section 8 or 10 shall be so established or varied that it shall consist of one or more complete polling districts."
Now sections added to Cap. 333	30.	The Ordinance is hereby amended by adding the following new sections immediately below section I I - Elected members 11A. The members of an authority to be elected shall be elected in accordance with the provisions of the Local Government (Elections) Act, 1966. Appointed members 11B.-(1) The members of an authority to be appointed shall be appointed by the President by notice published in the <i>Gazette</i> . (2) The President may, notwithstanding any provision to the contrary contained in this Ordinance, any Instrument made thereunder or any other written law, appoint any Public Officer to be a member of an authority. Tenure of members 11c.-(1) Subject to this section, the term of office of members of an authority shall be three years, and all members of all the authorities shall retire on the first day of November, 1969 and on the first day of November in every third year thereafter, and their places shall be filled by the newly elected and appointed members who shall come into office on that day. (2) The ordinary elections of the elected members may be held on a date prior to the date of the retirement of the existing elected members, but the persons elected at such elections shall not take office until the retirement of the existing members. (3) Every member of an authority shall be eligible for re-election or re-appointment."
Section 14 of cap.333 repealed and replaced	31.	Section 14 of the Ordinance is hereby repealed and replaced by the following: "Casual vacancy 14. -(1) Where a vacancy is caused on any authority by the death, retirement, resignation, or disqualification of any member or through any other cause: (a) if the vacancy is in the office of an elected member a by-election shall be held to fill the vacancy with such period as the Minister may direct; (b) if the vacancy is in the office of an appointed member. the President may by notice published in the <i>Gazette</i> , appoint another person to fill the vacancy, and the person so elected or appointed shall hold office for the remainder of the term of office of his predecessor.'

Provided that where a vacancy occurs in the office of an elected member within nine months before the ordinary day of retirement from such office, the vacancy shall not be filled by a by-election but the President may, notwithstanding anything to the contrary contained in this Ordinance, appoint, by notice published in the *Gazette*, a member to fill the vacancy.

(2) A by-election shall be held in accordance with the provisions of the Local Government (Elections) Act, 1966."

32. Section 15 of the Ordinance is hereby repealed and replaced by the following new section:

Section 15 of cap.333 repealed and replaced

"Chairman and vice-Chairman 15-(1) In every authority established under this Ordinance there shall be a chairman and a vice-chairman.

(2) The chairman of an authority shall be the person who for the time being holds the office of District Chairman of the Party for the area within which the area of the jurisdiction of the authority lies:

Provided that where within any area of an authority there are two or more District Chairmen of the Party, the chairman of the authority shall be such person as the President may, by notice in the *Gazette*, appoint from amongst such District Chairmen of the Party.

(3) The vice-chairman of an authority shall be elected by the members of the authority from amongst its elected members on the first day of November in each year, or so soon as is practicable thereafter and shall hold office until his successor is elected.

(4) In the event of an equality of votes for two or more candidates for the office of vice-chairman the election shall be determined by lot drawn by the chairman.

(5) In the event of the office of the vice-chairman becoming vacant from any cause whatsoever during the term of office of the holder thereof a new vice-chairman shall be elected in the same manner as soon as practicable, and shall serve for the remainder of the period for which his predecessor had been elected.

(6) A retiring vice-chairman shall be eligible for re-election.

(7) For the avoidance of doubt it is hereby declared that the provisions of this Ordinance or any Instrument made thereunder relating to disqualification of members or providing for a member ceasing to be a member in certain circumstances shall not apply to the chairman but shall apply to the vice-chairman.

(8) The vice-chairman shall, whenever it shall be necessary owing to a vacancy in the office of the chairman or his absence, illness or incapacity exercise all the powers and discharge all the duties vested in and imposed upon the chairman under and by virtue of this Ordinance."

Section 16
Of the
Ordinance
amended

33. Section 16 of the Ordinance is hereby amended in subsection (2) thereof by deleting the words "or rules or orders made under the provisions of section 17 thereof or the provisions of any other Ordinance" which occur in the first, second and third line and by substituting therefor the words "or the provisions of any written law".

Section 17
of Cap. 333
repealed

34. Section 17 of the Ordinance is hereby repealed.

Section 20
of Cap. 333
repealed
and
replaced

35. Section 20 of the Ordinance is hereby repealed and replaced by the following new section:

"Chairman
to preside
at meetings

20. At every meeting of an authority the chairman or, in his absence, the vice-chairman shall preside. If at any meeting the chairman is absent and no vice-chairman has been elected or if the vice-chairman is also absent, the members present shall elect one of their number from amongst the elected members to be chairman of the meeting, and such election shall, in the event of an equality of votes for two or more candidates, be determined between them by lot."

Sections 29
and 30
of Cap. 333
repealed
and
replaced

36. Sections 29 and 30 of the Ordinance are hereby repealed and replaced by the following new section:

"Standing
committees

29.-(I) Every authority shall appoint the following standing committees:

- (a) Finance, Establishments and General Purposes Committee;
- (b) Education and Cultural Committee;
- (c) Public Health Committee;
- (d) if the area of jurisdiction of an authority is an urban area, Urban Planning Committee, in any other case, District Development and Planning Committee;
- (e) Communications and Building Committee; and
- (f) If the area of jurisdiction of an authority is an urban area, Industrial Development Co-ordination Committee, in any other case, Natural Resources Committee.

(2) An authority may, from time to time, as it may think fit, appoint such other occasional or standing committees, either of a general or special nature, as it may think necessary.

(3) The number of the members of a committee appointed under this section and their term of office shall be such as may from time to time be fixed by the authority.

(4) Subject to subsection (5), a committee appointed under this section other than the Finance, Establishments and General Purposes Committee may include persons not being members of the authority under the provisions of this Ordinance or who have been co-opted by the committee where the committee has been authorized by the authority to co-opt additional members not being members of the authority.

(5) At least two-thirds of the members of every committee appointed by an authority, except the Education and Cultural Committee, shall be members of the authority:

Provided that in the case of a County Council the Minister may in writing authorize the appointment of a committee comprising less than two-thirds of the members of such County Council where he deems it expedient so to do.

(6) A person co-opted to a committee under the provisions of this section shall have the same rights and powers in all respects as if he were a person appointed to be a member thereof."

37. The Ordinance is hereby amended by adding immediately below section 37 the following new section:

New section 37A added to Cap. 333

"Chairman of the committees

37A.-(1) The chairman of the Finance, Establishments and General Purposes Committee of an authority shall be the chairman of the authority.

(2) The chairman of any other committee appointed by an authority under this Part shall be such person as the Minister may direct or, where the Minister has not given any such direction, such member of the authority as the authority may elect in that behalf.

(3) The chairman of a joint committee shall be such member of one of the authorities appointing the joint committee as such authorities may appoint in that behalf:

Provided that where the authorities fail to agree upon the appointment of a chairman, the Minister may appoint the chairman from amongst the members of the authorities concerned.

(4) The chairman of a sub-committee shall be such member of the committee appointing the sub-committee as the committee may elect in that behalf.

(5) Where at any meeting of a committee, joint committee or sub-committee the chairman is absent the committee, joint committee or sub-committee may elect one of its members to, be chairman for the purposes of that meeting."

38. Section 76 of the Ordinance is hereby amended by deleting the the word, letter and symbols "and (y)" where they occur in the fourth of line of paragraph (d) of subsection (1), the fourth line of paragraph (c) (iii) of subsection (2) and the third line of paragraph (b) (iii) of subsection (3) and, substituting therefor in each case the commas, letters, figures, symbols and word ", (y) (i), (za) (i) and (aa)."

section 76 Cap. 333 amended

PART III

AMENDMENTS TO THE TOWN COUNCILS (ACQUISITION OF MUNICIPAL STATUS) ACT, 1962

- Interpretation
cap. 496
- 39.** In this Part "the principal Act" means the Town Councils (Acquisition of Municipal Status) Act, 1962.
- Section 2 of
cap. 496
amended
- 40.** Section 2 of the principal Act is hereby amended by inserting the following new definition immediately above the definition "Minister":
-the Commission' means the Electoral Commission established by the Constitution;---
- Section 4 of
Cap. 496
amended
- 41.** Section 4 of the principal Act is hereby amended:
- (a) in subsection (1) thereof.
- (i) by deleting paragraph (a) and substituting therefor the following new paragraph:
- (a) the composition of such council and the number of members who shall be elected and the number of members who shall be appointed:
- Provided that the total number of members to be appointed shall not exceed ten or one half of the total number of members to be elected, whichever is the less¹⁸;
- (ii) by deleting paragraphs (c) and (f); and
- (iii) by deleting the semi-colon at the end of paragraph (d). substituting therefor a colon and adding immediately below it the following Proviso:
- "Provided that no division into wards shall be made without prior consultation with the Chairman of the Commission"; and
- (b) in subsection (2) by deleting the proviso to paragraph (b) and substituting therefor the following new proviso:
- "Provided that the election of the elected members of the municipal council may be held in accordance with the provisions of the Local Government (Elections) Act, 1966 on a date prior to the date of the establishment of the municipality as aforesaid but the persons elected at such election shall not take office until such date of establishment."
- Acts 1966
No. 47
- Section 5
of Cap. 333
amended
- 42.** Section 5 of the Principal Act is hereby amended in subsection (2) thereof:
- (a) by deleting the comma after the words "this Act" and substituting therefor the words and comma "and rules made under subsection (1) of section 4,"; and
- (b) by deleting the colon at the end of the subsection, substituting therefor a full stop and deleting the proviso.

43. The principal Act is hereby amended by adding the following new sections immediately below section 6- —

New sections 6A and B added

"Tenure of office of members first appointed or elected

6A. Where the area of jurisdiction of a town council is established as a municipality under the provisions of this Act all members of the municipal council who are elected or appointed on such establishment shall hold office until such date when the members of the former town council, had it continued in existence, would have ordinarily retired.

Members of a town council may continue as members of a municipal council

6B-(I) Where the area of jurisdiction of a town council is established as a municipality under the provisions of this Act, the President may, instead of making any rules under the provisions of section 4, declare in the order made under section 3 -

- (a) that the composition of the municipal council shall remain the same as the composition of the town council;
- (b) that the members of the town council shall continue in office as members of the municipal council; and
- (c) that the wards of the township shall be deemed to be the wards of the municipality.

(2) Where the declarations specified in subsection (1) have been made in respect of any area of jurisdiction of a town council to be established as a municipality then, upon such area being established as a municipality, the provisions of section 6 shall not apply and the members of the former town council shall continue in office as members of the municipal council until the date when they would have, had the town council continued in existence, ordinarily retired; and upon such retirement new members shall be elected and appointed in accordance with the provisions of the Municipalities Ordinance."

PART IV

MISCELLANEOUS AMENDMENTS

44. The laws specified in the first and second columns of the Schedule hereto are hereby amended in the manner set out in the third column thereof.

Certain other laws amended

SCHEDULE

(Section 44)

AMENDMENT TO LAW

1	2	3
Cap. 106	Markets Ordinance	(i) Delete section IA. (ii) Delete the words "or a ward council" wherever they occur in the Ordinance.

1	2	3
Cap. 320	Public Recreation Grounds Ordinance	<ul style="list-style-type: none"> (iii) Delete the words "a ward shall be under the control and management of the ward council" in paragraph (b) of subsection (1) of section 3 and substitute "a municipality shall be under the control and management of the municipal council." (iv) Delete paragraph (b) in subsection (4) of section 5. (i) Delete definition "ward council" in section 2. (ii) Delete from definition "local authority" in section 2 the words "or ward council" which occur immediately after the words "municipal council" in the first line. (iii) Delete the semi-colon at the end of section 5, substitute therefor a full stop and delete the proviso. (iv) Delete the words, figures and commas 11, in the case of a ward council, in accordance with Part XIV of the Municipalities Ordinance, in paragraph (g) of subsection (1) of section 7. (v) Delete the words "ward council" which occur in the first line of subsection (2) of section 7. (vi) Delete the words "or ward council" wherever they occur in section 12.
Act I 1 of 1964	The National Assembly (Elections) Act, 1964	<ul style="list-style-type: none"> (i) insert in subsection (1) of section 3 the following definition immediately below the definition "voting card"; "ward" shall have the same meaning as is assigned to that term in the Local Government (Elections) Act, 1966. (ii) Add the following new subsections to section 5 immediately below subsection (3) thereof: <ul style="list-style-type: none"> "(4) Every polling district shall be so established or varied as to lie completely within a ward. (5) The Commission shall not, after the first day of October, 1966, establish or vary the boundaries of any polling district without prior consultation with the Minister for the time being responsible for Local Government."

Passed in the National Assembly on the twenty-ninth day of September, 1966.


 Clerk of the National Assembly