

THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 1969

I ASSENT,

Julius K. Nyerere
President

6th FEBRUARY, 1969

An Act to constitute Ward Development Committees and to confer upon them certain functions and make provision for matters connected therewith and incidental thereto

[7TH FEBRUARY, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Ward Development Committees Act, 1969. Short title and commencement

2. In this Act, unless the context otherwise requires—
“Committee” means a Ward Development Committee; Interpretation

“development scheme” means in relation to any ward, a scheme for the development of the area constituting the ward and shall have the meaning assigned to that expression in subsection (2) of section 5;

“Minister” means the Minister for the time being responsible for local government;

“ward” shall have the meaning assigned thereto in the Local Government (Elections) Act, 1966. Acts 1966 No. 47

3.—(1) Every local authority shall, upon being directed to do so by the Minister, establish Ward Development Committees for such wards within the area of its jurisdiction as the Minister may direct. Establishment of Committees

(2) The composition of a Ward Development Committee shall be such as the Minister may, by general or special directions, direct.

4. Where the Minister considers it desirable to do so he may, by order in the *Gazette*, declare any Committee to be a body corporate and upon such declaration being made such Committee shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued in its corporate name, of purchasing, Committees may be bodies corporate

holding and alienating land and generally of doing and performing such acts and things as bodies corporate may by law do and perform subject to the provisions of this Act and any other law for the time being in force.

Functions
of the
Committees

5.—(1) A Committee may:—

- (a) subject to the approval of the Minister, initiate schemes for the development of the area constituting the ward;
- (b) do such other acts and things as the Minister may direct.

(2) For the purposes of subsection (1) a scheme for the development of the area constituting a ward includes a scheme—

- (a) for agricultural or pastoral development;
- (b) for the construction of roads or public highways;
- (c) for the construction of works or buildings for the social welfare of the people residing within such area;
- (d) for the establishment of any industry;
- (e) for the construction of any work of public utility.

Powers
of the
Committees

6.—(1) Every Committee shall have power to make an order requiring all adult citizens of the United Republic resident within the area constituting the ward for which the Committee is established to participate in the implementation of any development scheme and to require persons who are liable to so participate and who fail to participate without reasonable excuse, to make such contribution either by payment to the Committee of such sum of money not being in excess of the maximum sum prescribed by regulations made under this Act or by delivery to the Committee of such goods or other property as may be so prescribed.

(2) Nothing in subsection (1) shall be construed as precluding a Committee from declaring that any order made under subsection (1) shall apply only to those adult citizens residing within any particular area of the ward where, in the opinion of the Committee, the development scheme will benefit mainly the residents of such area.

Procedure of
implementa-
tion of
development
scheme

7.—(1) Where any development scheme has been approved by the Minister, the Committee shall, in such manner as may be prescribed, inform all persons resident within the area constituting the ward of the details of the scheme and of the date, time and place upon which and where the persons liable to participate in the implementation of the scheme shall report in order to so participate.

(2) A Committee may require different categories of persons to report for participation in the implementation of a development scheme at different times.

Funds
of the
Committee

8. The funds of a Committee shall consist of—

- (a) contributions levied from persons liable to participate in the implementation of a development scheme and who fail to so participate;
- (b) such sums of money as may be allocated to the Committee by the local authority within the area of jurisdiction of which the ward is situate;

- (c) such sums of money as the Committee may borrow from time to time with the approval of the Minister and in such manner as the Minister may direct.

9.—(1) Where a Committee has required any person to make a contribution under the provisions of this Act in lieu of such person not participating in the implementation of a development scheme and such person fails to make such contribution, the Committee shall report the matter to the Area Commissioner in charge of the area within which the ward is situate.

Order by
Area Com-
missioner

(2) Upon receipt of a report under subsection (1) the Area Commissioner shall conduct an enquiry into the allegations contained in the report and shall give an opportunity to the person ordered to make contribution to submit to him reasons, if any, why he should not be required to make the contribution, or to make such other submission as such person may think fit.

(3) Upon completion of enquiries in accordance with this section the Area Commissioner may make an order confirming, varying or reversing the decision of the Committee:

Provided that the Area Commissioner shall not in any case require any person to make a contribution of greater value than the contribution ordered by the Committee.

(4) Where the Area Commissioner requires any person to make a contribution he shall cause the order to be reduced in writing and a copy thereof to be served upon such person.

10. Where an order to make a contribution has been made by an Area Commissioner and a copy of such order has been served on the person against whom such order has been made, the Area Commissioner may at any time after thirty days from the date of service of the copy upon such person lodge a copy of the order in the primary court within whose jurisdiction such person resides and upon such order being so lodged it shall be deemed to be a decree of the primary court and may be executed in the same manner as any decree passed by that court:

Enforcement
of orders
for contribu-
tions

Provided that where an appeal has been made against an order of the Area Commissioner in accordance with section 11, the court shall not proceed with the execution of the order until it is satisfied that the appeal has been dismissed, and where the appeal has not been dismissed but the Minister has varied the amount, quantity or nature of the contribution the court shall amend the order lodged by the Area Commissioner to conform to the order made by the Minister and may thereupon proceed to execute the order as so amended.

11. Where any person is aggrieved by any order made by an Area Commissioner for contribution under the provisions of this Act he may, within twenty-one days of the service of the order upon him appeal against such order to the Minister in such manner as may be prescribed and a decision of the Minister shall be final and shall not be subject to review by any court.

Appeals

Persons
exempted
from
participation
in schemes

12. Notwithstanding anything contained in this Act, a person shall not be required to participate in any development scheme if—

- (a) he is not a citizen of the United Republic; or
- (b) he is under the apparent age of fifteen years or over the apparent age of fifty years; or
- (c) being a woman, has a child under the apparent age of three years under her care or is expected to deliver a child within the period of six months or less immediately following the date upon which she is required to participate in the development scheme; or
- (d) he is a person whose full-time occupation is to teach or preach any religion; or
- (e) he is a person exempted from such participation under any regulations made under this Act.

Service

13. Every order made by the Area Commissioner under section 9 shall be served personally on the person required to be served therein or if such person cannot, after reasonable enquiry, be found, shall be left at his usual place of abode.

Regulations

14. The Minister may make regulations for the better carrying out of the purposes of this Act and without prejudice to the generality of the foregoing may make regulations—

- (a) prescribing the procedure at the meetings of the Committee and fixing the quorum for such meetings;
- (b) providing for the keeping of accounts by the Committees;
- (c) prescribing forms of orders to be made under this Act;
- (d) exempting such categories of persons as he may specify from requirement to participate in the implementation of a development scheme;
- (e) prescribing anything which under the provisions of this Act may be prescribed.

Exclusion of
the juris-
diction of
courts

15. No court shall have jurisdiction to enquire into the validity of any order made under section 9 or to enquire into any question whether any person is liable to participate in any development scheme or to entertain any proceedings relating to any matter arising out of this Act save proceedings relating to and consequent upon execution of orders lodged in primary courts.

Protection
of members
of Committee

16. No matter or thing done by any member, officer, servant or agent of a Committee shall, if done *bona fide*, in the execution or purported execution of the functions of the Committee, subject any such person to any action, liability, claim or demand whatsoever.

Passed in the National Assembly on the ninth day of January, 1969.


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Clerk of the National Assembly