

THE URBAN WARDS (ADMINISTRATION) ACT, 1976

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THE UNITED REPUBLIC OF TANZANIA



No. 10 OF 1976

I ASSENT,

31ST AUGUST, 1976

An Act to make provision for the establishment in urban areas of Ward Assemblies and Ward Councils, to provide for the functions of such Assemblies and Councils and for other matters incidental thereto or connected therewith

[-----]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Urban Wards (Administration) Act, 1976 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and
com-
mencement

2. (1) In the Act, unless the context otherwise requires, — "the Area Commissioner", in relation to a ward, means the Area Commissioner of the district within which the ward is, situate;

Inter-
pretation

"Cell" means the primary organ of the Party and includes, where the context so requires, the area within the jurisdiction of such organ;

Acts, 1972
No. 27

"district" means an area within the jurisdiction of a District Development Council established by the Decentralization of Government Administration (Interim Provisions) Act, 1972;

Cap. 596

"Minister" means the Minister for the time being responsible for regional administration;

"the Party" means the Party the constitution of which is for the time being set out in the First Schedule to the Interim Constitution of Tanzania, 1965;

Acts, 1975
No. 24

"ward" means a division of a district declared or deemed to have been declared to be a ward of such district under the provisions of section 4 of the District Development Councils (Elections) Act, 1975;

"Ward Assembly" means the Ward Assembly of a ward established under the provisions of section 4;

"Ward Council" means the Ward Council of a ward established under the provisions of section 4.

(2) For the purposes of this Act every ward within a district declared under the provisions of subsection (1) of section 3 to be a ward to which the provisions of this Act apply shall be deemed to be a ward in an urban area.

Application
of this Act

3.-(i) The Minister may, by order published in the *Gazette*, declare that the ward specified in the order shall, with effect from such date as may be specified in the order (hereinafter referred to as "the effective date"), be a ward to which the provisions of this Act apply.

(2) Where an order under subsection (1) is made in respect of a ward the Minister may, in the same order or in any subsequent order published in the *Gazette*, publish a list of all such wards within the district describing the boundaries thereof and assigning names thereto and such wards shall be known accordingly, whether or not such description of boundaries or names is the same as that used in a declaration made or deemed to have been made under the provisions of section 4 of the District Development Councils (Elections) Act, 1975.

(3) If any question arises whether any place is or is not within any ward, and such question does not appear to be determined by any order referred to in subsection (2), or other evidence, it shall be referred to the Minister, and a certificate under his hand shall be conclusive on the question, and judicial notice shall be taken thereof.

PART II

WARD ASSEMBLY AND WARD COUNCIL

Establish-
ment of
Ward
Assembly
and Ward
Council
Ward
Assembly

4. Where an order under subsection (1) of section 3 is made in respect of a ward there shall be established, in respect of every such ward, a Ward Assembly and a Ward Council.

5.-(1) Every Ward Assembly shall consist of-

(a) members elected to the Assembly in accordance with the provisions of this section; and

(b) members of the Ward Council elected to the Council pursuant to the provisions of subsection (1) of section 6, who shall be members of the Assembly by virtue of their membership of the Council.

(2) As soon as may be practicable after the effective date, the Area Commissioner shall, with the consent of the Minister, appoint a date for the election of Ward Assemblies in the district.

(3) No person shall be qualified for election as a member of a Ward Assembly unless he is ordinarily resident in the ward and has attained the apparent age of eighteen years.

(4) On the date appointed under subsection (2) there shall be elected, for every Ward Assembly, as many members as there are Cells in the ward within the jurisdiction of the Ward Assembly, that is to say, one member from each Cell, and such members shall assume their offices with effect from the date on which they are elected.

(5) Every elected member of a Ward Assembly shall, unless he sooner ceases to be a member for any reason whatsoever, hold office until such time as new members of the Ward Assembly are elected in accordance with the provisions of subsection (7), and at the expiration of his term of office shall be eligible for re-election

(6) Any casual vacancy occurring in the office of an elected member of a Ward Assembly may be filled by the election of a new member:

Provided that-

- (a) no person shall be elected under this subsection unless he is a person who would qualify for election as a member under subsection (3);
- (b) the new member shall be elected in the same Cell and in the same manner in which the former member was elected;
- (c) any person elected under this subsection shall hold office for the remainder of the term of office of his predecessor.

(7) The Area Commissioner shall, within thirty days after the expiry of twelve months from the date on which a Ward Assembly was elected, cause election to be held for the election of new members of the Assembly, and all members so elected shall assume their offices with effect from the date on which they are elected.

6.-(1) As soon as may be practicable after its election every Ward Assembly shall meet for the purpose of electing a Ward Council for the ward.

Meeting of
Ward
Assembly

(2) The meeting convened pursuant to the provision of subsection (1) shall be presided over by the Chairman of the Party referred to in the proviso to subsection (1) of section 9 or, in his absence or inability to act for any reason whatsoever, a chairman elected by the Ward Assembly from amongst its members.

(3) All other meetings of a Ward Assembly shall be presided over by the Chairman of the Ward Council referred to in subsection (1) of section 9 or, in his absence or inability to act for any reason whatsoever, a temporary chairman elected by the Ward Council from amongst its members.

(4) It shall be lawful for a Ward Assembly, at a meeting convened pursuant to the provisions of subsection (1), to enlarge or reduce, subject to the provisions of subsection (1) of section 7, the membership of the Ward Council to be elected.

(5) In addition to the meeting convened pursuant to the provisions of subsection (1) every Ward Assembly shall meet not less than twice every year and may meet at such additional times as may be necessary or expedient for the proper performance of its functions.

(6) At any of its meetings a Ward Assembly may discuss and decide upon matters brought before the Assembly by the Ward Council and any other matters which may in any manner come before the Assembly.

Ward Council

7.-(1) Every Ward Council shall consist of such number of members, not exceeding such number as may be prescribed, as the Ward Assembly may, at the meeting convened for the election of the Council, determine.

(2) No person shall be qualified for election as a member of a Ward Council of a ward unless he has attained the apparent age of twenty-one years and is ordinarily resident in the ward.

(3) Every member of a Ward Council shall, unless he sooner ceases to be a member by death, resignation or otherwise howsoever, continue to hold office as a member of the Council until such time as the Ward Assembly next meets of the election for new members of the Ward Council in accordance with the provisions of subsection (1) of section 6:

Provided that-

- (a) where a member of the Council has ceased to be ordinarily resident within the ward and the Area Commissioner has, after due inquiry, certified in writing that such member has ceased to be so resident within the ward, such member shall cease to be a member of the Ward Council;
- (b) any person who ceases to be a member of a Ward Council by the expiry of his term of office or otherwise howsoever shall, subject to the provisions of subsection (2), be eligible for re-election or appointment-

Casual vacancies in membership of Ward Council

8. Any casual vacancy occurring in the membership of a Ward Council may be filled by the Ward Council by appointment of a member from amongst the residents of the ward:

Provided that-

- (a) no person shall be appointed under this section unless he is a person who would qualify for election as a member under subsection (2) of section 7;
- (b) any person appointed under this section shall hold office for the remainder of the term of office of his predecessor;
- (c) the Ward Council may, if in its opinion it is desirable so to do, convene an extraordinary meeting of the Ward Assembly for election of a member to fill the vacancy.

officers of Ward Council

9.-(1) The members of a Ward Council shall, as soon as may be practicable after their election, hold a meeting at which they shall elect from amongst their number-

- (a) a Chairman of the Ward Council;
- (b) a Secretary of the Ward Council:

Provided that in any case where at the time of any election there is a branch of the Party within the ward, the Chairman and the Secretary of such branch, shall by virtue of their offices be members of the Council and the Chairman and the Secretary, respectively, of the Council.

(2) A Ward Council may, by a majority of not less than two-thirds of the total number of members present and voting, remove from office any office bearer of the Council elected by the Council in accordance with the provisions of subsection (1) and elect another member to that office.

(3) Where a vacancy occurs in the office of any office bearer of the Ward Council, the Council may elect a member to fill the vacancy.

(4) Subject to the provisions of subsection (2) an office bearer of a Ward Council shall continue in office until the determination of his membership under the provisions of subsection (3) of section 7.

10. Every Ward Council shall be a body corporate with perpetual succession and a common seal -and shall be capable in law of suing and being sued in its corporate name, of purchasing, holding, alienating, managing and disposing of any property whatsoever, whether movable or immovable, and whether by way of investment or otherwise, and of entering into any such contract as may be necessary or expedient for the performance of its functions under this Act or any other written law.

Ward
Council to
be a body
corporate

11.-(1) Every Ward Assembly and Ward Council shall have such functions as are conferred upon them by this Act or any Other Written law, and in addition thereto the functions of a Ward Council Shall be-

Function of
Ward
Assembly
and Ward
Council

- (a) to do all such acts and things as are necessary or expedient for the economic and social development of the ward;
- (b) to initiate and undertake any task, venture or enterprise as is designed to ensure the welfare and well being of the residents of the ward;
- (c) to plan and co-ordinate the activities of and render assistance and advice to the residents of the ward engaged in any activity or industry whatsoever;
- (d) to encourage the residents of the ward in undertaking and participating in Ujamaa activities;
- (e) to participate, by way of partnership or otherwise, in economic enterprises with other Ward Councils;
- (f) to promote the establishment and development of co-operative enterprises and activities within the ward;
- (g) to regulate and exercise control over economic activities undertaken within the ward.

(2) A Ward Council shall have the power to do all such acts and things as appear to it to be necessary or convenient for or in connection with the carrying out of its functions or incidental or conducive to their proper performance.

(3) A Ward Council may establish committees and delegate to such committees any of its functions.

12. For the purposes of the performance of their functions a ward and its various organs shall be deemed to be a multi-purpose co-operative society:

Ward
deem
to be a
co-operative
society

Acts, 1968
No. 27

Restrictions
on operation
of
co-operative
societies
within
a ward

Functions
of
Ward
Assembly
and ward
Council
to be under
Party's
aegis

President
may
transfer
statutory
powers to
Ward
Council

Provided that the provisions of the Co-operative Societies Act' 1968 or of any subsidiary legislation thereunder shall not apply to a ward or to any organ thereof

13.-(1) Subject to the provisions of subsection (2) no co-operative society registered under the Co-operative Societies Act, 1968 shall operate within a ward.

(2) The Minister may, by order published in the *Gazette*, exclude from the Operation of the provisions of subsection (1) any registered co-operative society or any category of registered co-operative societies and upon such order being made the Minister may either in the same order or in any subsequent order, modify in their application to registered co-operative society or any category of registered co-operative society Co-operative Societies Act, 1968 or of any subsidiary legislation thereunder in such manner as, in the opinion of the Minister, is necessary to give effect to the purposes and objects of such exclusion.

14. Every Ward Assembly and Ward Council shall Perform its functions, whether conferred by Or under this Act or any other written law, under the auspices Of the Party-

PART III

MISCELLANEOUS PROVISIONS

15.-(1) Where the President is satisfied that for the proper and efficient administration or management of the affairs of a ward. or of the conduct of the affairs of its residents, or for the political, economic or social development of a ward, it Is necessary or desirable that the Ward Council of the ward enjoy, in relation to the ward or its residents, any power (including judicial, quasi judicial or administrative power) which Is by any other written law conferred upon any authority or person, whether generally or in relation to any specified area (whether or not such specified area includes the ward) or in relation to any group of persons or specified matter, the President May, by order in the *Gazette*, provide that, subject to such limitations and restrictions as he, may in such order specify, the Ward Council or any organ, or committee of the Ward Council may exercise such power in relation to the ward or its residents as if such power, subject to such limitations and restrictions. if any, specified in the order, were, in relation to the ward or its residents, conferred upon the Ward Council or such organ or committee of the Ward Council as may be specified in the order, by such other written law.

(2) Where the President makes an order under subsection (1) conferring upon a Ward Council or upon any organ or committee of a Ward Council any power provided for in any other written law, he may, by the same or any subsequent order, modify such other written law to such extent as he may deem necessary for the avoidance Of any inconsistency or conflict between the provisions of such other written law and the provisions of the Order made under subsection (1), or for providing for an appeal against the decision of the Ward Council in the exercise of such power or for any matter incidental to or connected with the exercise by the Ward Council or organ or committee of the Ward Council of such power.

(3) The provisions of any order made under subsection (1) or (2) shall have the same effect as if such provisions were made by and set out in this Act.

(4) The President may, by order in the *Gazette*, delegate his power under this section to the Minister or any other Minister.

(5) An order under subsection (1) may confer any such power as is referred to in that subsection either to or in relation to Ward Councils generally or to or in relation to any category of Ward Councils or to or in relation to any particular Ward Council specified in the order.

16. It shall be lawful for the Area Commissioner or any public officer authorized by him in that behalf to attend any meeting of the Ward Assembly or of the Ward Council and assist the Assembly or, as the case may be, the Council in conducting the business of the meeting.

Functions of
Area
Commissioner
in relation
to wards

17. Subject to the provisions of this Act a Ward Council may regulate its own proceedings and may make by-laws governing its procedure.

Ward
Council
may
regulate
its own
proceeding
Vacancies,
etc., not
to
invalidate
proceeding

18. It shall be lawful for a Ward Council to act notwithstanding any vacancy in the membership thereof and no act or proceeding of a Ward Council shall be invalid by reason only of same defect in the proceedings election or appointment of a person who purports to be a member thereof.

Liability of
members, etc.,
Cap. 16
Acts, 1970
No. 7
Acts, 1974
No. 37

19. Without prejudice to the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts), Act. 1970 or of the Parastatal Employees (Recovery of Debts) Act, 1974 no act or thing done or omitted to be done, by any member of a Ward Council or by any officer, employee or agent of the Council shall, if done or omitted *bona fide* in the execution or purported execution of his duties as such member, officer, employee or agent, subject any such person to any action, liability or demand whatsoever.

20-(1) The Minister may appoint or designate as many public officers as he may deem necessary for the purposes of this Act.

Appoint-
ment of
officers

(2) The public officers appointed or designated under the provisions of subsection (1) shall have such functions as are provided for by or under this Act or any other written law or as may be assigned to them by the Minister.

21.-(1) The Minister may make regulations for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations-

Regulations,
directions
and
delegation

(a) providing for powers of Ward Councils to borrow monies;

(b) providing for the manner in which the accounts of Ward Councils shall be kept, maintained and audited;

- (c) regulating the expenditure and investment of monies by Ward Councils;
- (d) prescribing anything which may or is required to be Prescribed under this Act.

(2) Regulations made under this section may be mad' generally in relation to all Ward Councils or may be made in relation to any category of Ward Councils or to any particular Ward Council.

(3) Where regulations are made in relation to any particular Ward Council or any category of Ward Councils it shall not be necessary for the regulations to be published in the *Gazette*, if copies of such regulations are made available to the Ward Council Or Ward Councils in respect of which they apply-

(4) The Minister may, if he considers it necessary in the Public interest so to do, give any Ward Council directions of a general nature and the Council shall give effect to all such directions,

(5) The Minister may. by order under his hand, delegate to any public officer any of Ills functions under this Act.

Passed m the National Assembly on the twenty-second day of July, 1976.



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Clerk of the National Assembly