THE UNITED REPUBLIC OF TANZANIA



No. 8 OF 1992

I ASSENT,

.....

President

29/5/92

An Act to amend certain written laws pertaining to the local government

[.....]

ENACTED by the Parliament of the United Republic of Tanzania

PART I

PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Local Government Laws (Amendment) Act, 1992 and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint.

PART II

AMENDMENT OF LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT, 1992

Construction Acts 1982 No. 7

2. This part shall be read as one with the Local Government (District Authorities) Act, 1982.

Amendment of Section 3

3. Section 3 of the Local Government (District Authorities) Act, 1982 is hereby amended in paragraph (b) of subsection 1—

(a) by deleting the definition "the Party" and substituting for it the following definition:—

"political party" means a political party registered under any written law for the time being relating to the registration of political parties;

(b) by deleting the definition "the Regional Committee";

(c) by adding immediately after the definition "joint committee" the following definition:

"Kitongoji" means a part or a division of a village and includes a part or a division of a Township situated in an area under the jurisdiction of a District Council.

Amendment of Section 13

4. Section 13 of the Local Government (District Authorities) Act, 1982 is hereby amended by adding immediately after subsection (2), the following subsections:—

"(3) the area of a township authority shall be divided into such number of vitongoji as the Township Authority may determine;

(4) Every Kitongoji shall have a chairman and the provisions of Sections 30(4) shall apply mutatis mutandis in relation to the election and removal of the chairman.";

Amendment of Section 30

5. Section 30 of the Local Government (District Authorities) Act, 1982 is hereby amended by adding immediately after subsection (2) the following subsections—

"(3) The area of the village shall be divided into vitongoji consisting of such number of households or of such geographical area as may be determined by the Village Council and approved by the District Council.

(4) Every Kitongoji shall have a Chairman who shall be elected by an electoral college consisting of all the adult members of the Kitongoji; in accordance with such procedures as may be prescribed and may be removed from office by the decision of a simple majority of such members:

Provided that a chairman who has been so removed may appeal to the Minister only on issues of procedure relating to such removal".

Amendment of Section 35

6. Section 35 of the Local Government (District Authorities) Act, 1982 is hereby amended—

(a) in subsection (1)—

(i) by deleting paragraphs (b), (e) and (f);

(ii) by renumbering paragraphs (c) and (d) as paragraphs (b) and (c) respectively;

(iii) by adding immediately after paragraph (c) as renumbered, the following paragraph:

"(d) such number of women members who are qualified to be elected to the council, being not less than one quarter of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the Political parties represented in the Council

in such numbers as shall be proportional to the number of the members of those parties elected to the Council, who the electoral authority shall declare to have been elected into the Council.";

Amendment of Section 36

7. Section 36 of the Local Government (District Authorities) Act, 1982 is hereby amended by adding immediately after subsection 3, the following subsection:—

"(4) Notwithstanding the provisions of subsection (3), the Council may by a resolution supported by two thirds of the members, remove the chairman from office:

provided that the chairman who has been so removed may appeal to the Minister only on issues of procedure relating to such removal.

Repeal of Section 38

8. Section 38 of the Local Government(District Authorities) Act, 1982 is hereby repealed.

Amendment of Section 42

9. Section 42 of the Local Government (District Authorities) Act, 1982 is hereby amended in subsection (1) by adding immediately after paragraph (d), the following new pararagph:

"(e) the member has ceased to be a member of the political party which had proposed the member as a candidate."

Amendment of Section 45

10. Section 45 of the Local Government (District Authorities) Act 1982 is hereby amended in subsection (1) by deleting paragraphs (a) (b) and (c) and substituting for them the following new paragraphs:—

"(a) a chairman who shall be elected by the members of the Township Authority from amongst the chairmen of the vitongoji within the area of the Township Authority;

(b) the chairman of the Vitongoji within the area of the Township Authority;

(c) not more than three other members to be appointed by District Council of the Township;

Amendment of Section 47

11. Section 47 of the Local Government (District Authorities) Act, 1982 is hereby amended—

(a) by deleting subsection (A) and renumbering subsections (2) and (3) as subsections (A) and (2) respectively;

Amendment of Section 49

12. Section 49 of the Local Government (District Authorities) Act, 1982 is hereby amended:—

(a) in subsection (1) by deleting the reference to "subsection (3)" in the second line and substituting for it the reference to "subsection (2)";

(b) by adding immediately after subsection (2) the following subsection:—

"3 notwithstanding the provisions of subsection (1) the Township authority may by resolution supported by two thirds of the members, remove the chairman from office:

Provided that, the chairman who has been so removed may appeal to the Minister only on issues of procedure relating to such removal.";

Repeal and replacement Section 56

13. Section 56 of the Local Government (District Authorities) Act, 1982 is hereby repeated and replaced by the following:—

"Composition of Village Council

56.—(1) Every Village Council shall consist of not less than fifteen but not more than twenty five members as follows:—

(a) a Chairman to be elected by the village Assembly;

(b) the Chairmen of all the Vitongoji within the village;

(c) such other members to be elected by the Village Assembly of whom not less than one quarter of the total number of all the members of the Village Council shall be women.

(2) The Village Executive Officer shall be the Secretary to the Village Council.

(3) The election of the Village Council shall be according to such procedures as may be prescribed by the Minister.".

Amendment of Section 58

14. Section 58 of the Local Government (District Authorities) Act, 1982 is hereby amended by adding immediately after paragraph (b) the following paragraphs:

"(c) he is able to read and write in Kiswahili or in English.

(d) he has a lawful means of livelihood.";

Amendment of Section 59

15. Section 59 of the Local Government (District Authorities) Act, 1982 is hereby amended—

(a) by renumbering the provisions of Section 59 as subsection (1);

(b) by adding immediately after subsection (1) the following subsection—

"(2) Notwithstanding the provisions of subsection (1) the Council may by resolution supported by two thirds of the members, remove the Chairman from office:

Provided that a Chairman who has been removed may appeal to the Minister only on issues of procedure relating to such removal.".

PART III

AMENDMENT OF THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT, 1982

16. This part shall be read as one with the Local Government (Urban Authorities) Act, 1982. Construction Acts 1982 No. 8

17. Section 3 of the Local Government (Urban Authorities) Act, 1982 is hereby amended in subsection (1)— Amendment of Section 3

(a) by deleting the definition "the Party" and substituting for it the following definition:

"political party" means a political party registered under any written law for the time being relating to the registration of political parties;

(b) by adding immediately after the definition "Minister" the following definition:

"mtaa" means a part or a division of a ward and includes a part or a division of a Township situated within an area under the jurisdiction of an urban authority."

18. Section 14 of the Local Government (Urban Authorities) Act, 1982 is hereby amended by adding immediately after subsection (2) the following subsections: Amendment of A. 14

"(3) The area of the ward shall be divided into Mitaa consisting of such number of households as the urban authority may determine."

(4) Every Mtaa shall have a chairman to be elected a by an electoral college of all the adult members of the Mtaa and may be removed from office by the decision of a simple majority of such member:

provided that a chairman who has been so removed may appeal to the Minister only on issues of procedure relating to such removal.".

19. Section 15 of the Local Goverment (Urban Authority) Act, 1982 is hereby amended in subsection (2)— Amendment of section 15

(a) by deleting paragraph (b) and substituting for it the following paragraph;

(b) the chairmen of the Mitaa within the ward;

(b) by deleting paragraph (c)", and by renumbering paragraph (d) as paragraph (c)";

20. Section 19 of the Local Government (Urban Authorities) Act, 1982 is hereby amended— Amendment of section 19

(a) in subsection (1)—

(i) by deleting paragraph (c) and substituting for it the following paragraph:

"(c) such number of women members who are qualified to be elected to the Council, being not less than one quarter of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the Political parties represented in the Council in such numbers as shall be proportional to the number of the members of those parties elected to the Council, who the electoral authority shall declare to have been elected into the Council.";

(ii) by deleting the word "five" which appears in paragraph (d) and substituting for it the word "three";

(b) in Subsection (2)—

(i) by deleting paragraph (c) and substituting for it the following paragraph:—

"(c) such number of women members who are qualified to be elected to the Council, being not less than one quarter of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the Political parties represented in the Council in such numbers as shall be proportional to the number of the members of those parties elected to the Council, who the electoral authority shall declare to have been elected into the Council.";

(ii) by deleting the word "five" which appears in paragraph (d) and substituting for it the word "three".

(c) in subsection (3)—

(i) by deleting paragraph (c) and substituting for it the following paragraph:—

"(c) such number of women members who are qualified to be elected to the Council, being not less than one quarter of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the Political parties represented in the Council in such numbers as shall be proportional to the number of the members of those parties elected to the Council, who the electoral authority shall declare to have been elected into the Council.";

(ii) by deleting the word "six" which appears in paragraph (d) and substituting for it the word "three".

Amendment of section 20

21. Section 20 of the Local Government (Urban Authorities) Act, 1982 is hereby amended by adding immediately after subsection (4) the following subsection:—

"(5) Notwithstanding the provisions of subsection (4) the Council may, by resolution supported by two thirds of the members, remove the Chairman or Mayor from office:

provided that a chairman or a mayor who has been so removed may appeal to the Minister only on issues of procedure relating to such removal.

Repeal of Section 21

22. Section 21 of the Local Government (Urban Authorities) Act, 1982 is hereby repealed.;

Amendment of section 26

23. Section 26 of the Local Government (Urban Authorities) Act, 1982 is hereby amended by adding immediately after paragraph (d) the following paragraph:—

"(e) the member has ceased to be a member of the political party which had proposed the member as a candidate.".

PART IV
AMENDMENT OF THE LOCAL GOVERNMENT NEGOTIATING MACHINERY ACT, 1982

Construction Acts, 1982 No.

24. This part shall be read as one with the Government Negotiating machinery Act, 1982.

Amendment of section 4

25. Section 4 of the Local Government Negotiating Machinery Act, 1982 is hereby amended—

(a) in the definition "trade union" by deleting the acronym "JUWATA" and substituting for it the acronym "OTTU";

(b) by deleting the acronym "JUWATA" wherever it appears in the Act and substituting for it the acronym "OTTU"."

Passed in the National Assembly on 11th May 1992.

.....
Clerk of the National Assembly

Printed by the Government Printer, Dar es Salaam, Tanzania.