

**THE VILLAGES AND UJAMAA VILLAGES (REGISTRATION,
DESIGNATION AND ADMINISTRATION) ACT, 1975
ARRANGEMENT OF, SECTIONS**

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THE UNITED REPUBLIC OF TANZANIA



No. 21 OF 1975

I ASSENT,

Julius Nyerere
.....
President

12th AUGUST, 1975

An Act to provide for the Registration of Villages, the Administration of registered villages and designation of Ujamaa Villages

[..... AUGUST, 1975]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY

1. This Act may be cited as the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975. Short title

2. (1) In this Act, unless the context otherwise requires- Interpretation
"the Area Commissioner" in relation to any village, means the Area Commissioner of the District within which the village is situate;
"kaya" means a household or a family unit;
"the Minister" means the Minister for the time being responsible for villages and ujamaa villages;
"the Regional Committee" in relation to any village, means the Regional Executive Committee of the Party for the region within which the village is situate;
"Registrar" means the Registrar of Villages appointed under section 3;
"Ujamaa Village" means a village designated under this Act as an ujamaa village;
"village" means a village registered under this Act;
"Village Assembly" means, in relation to a village, the Village Assembly of that village and in relation to an Ujamaa Village, the Village Assembly of the Ujamaa Village;
"Village Council" means, in relation to a village, the Village Council of that village and in relation to an Ujamaa Village, the Village Council of the ujamaa village.

(2) Where a village is situate partly within one district and partly within another, the Minister shall determine which Area Commissioner and Regional Committee shall have jurisdiction over the village.

Registrar
and
Assistant
Registrar

3. (1) The Minister shall appoint a public officer to be the Registrar.

(2) The Minister may appoint such number of Assistant Registrars of Villages as he may deem necessary.

(3) The Registrar shall have such functions as are conferred upon him by or under this Act or as may be conferred upon him by any other written law.

(4) The Registrar may, by writing under his hand, delegate to an Assistant Registrar any of his functions under this Act or any other written law.

PART 11

REGISTRATION OF VILLAGES

Registration
of villages

4. (1) In any case where the Registrar is satisfied that not less than two hundred and fifty kayas have settled and made their homes within any area of Tanganyika and that the boundaries of such area can be particularly defined, he may, subject to any directions given in that behalf by the Minister, register the area as a village:

Provided that the Minister may, in any case--

- (a) authorize two or more such areas to be registered as a single village;
- (b) authorize the registration of a village notwithstanding that there are less than two hundred and fifty kayas within the village.

(2) The Registrar shall, from time to time, and at least once in every calendar year cause a notice to be published in the *Gazette* listing every village registered by him since the publication of the previous notice and specifying the location of such village.

PART II

VILLAGE ASSEMBLY AND VILLAGE COUNCIL

Village
Assembly
and
Village
Council

S. (1) Every village shall have a Village Assembly and a Village Council.

(2) The Village Assembly shall consist of every person who is ordinarily resident in the village and who has attained the apparent age of eighteen years.

(3) As soon as may be practicable after the registration of a village, the Village Assembly of the village shall meet for the purpose of electing a Village Council for the village.

(4) The meeting convened under subsection (3) shall be presided over by a chairman elected by the Village Assembly from amongst its members.

(5) The Village Council shall consist of such number of members, not exceeding such number as may be prescribed, as the Village Assembly may, at the meeting convened for the election of the Council, determine.

6. No person shall be qualified for election as a member of the Village Council of a village unless-

- (a) he has attained the apparent age of twenty-one years;
- (b) he is a member of a kaya within the village and is ordinarily resident in the village.

Qualifica-
tion for
election as
member of
Village
Council

7. Every member of the Village Council shall, unless he otherwise ceases to be a member by death or resignation, continue to hold office as a member of the Council until such time as the Village Assembly next meets for the election of the members of the Village Council in accordance with the provisions of subsection (1) of section 9 -

Tenure of
office of
members of
Village
Council

Provided that—

- (a) where a member of the Council has ceased to be ordinarily resident within the village and the Area Commissioner has, after proper inquiry, certified in writing that such member has ceased to be so resident within the village, such member shall cease to be a member of the Village Council;
- (b) any person who ceases to be a member of the Village Council by the expiry of his term of office or otherwise, howsoever shall, subject to the provisions of section 6, be eligible for re-election or appointment.

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

Casual
a vacancy

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 section 6;
- (b) any person appointed under this section shall hold office for the remainder of the term of office of his predecessor;
- (c) the Village Council may, if in its opinion it is desirable so to do, convene an extraordinary meeting of the Village Assembly for election of a member to fill the vacancy.

9,(1) The Chairman of a Village Council shall, as soon as may be practicable after the expiry of twelve months from the date when Council was elected by the Village Assembly, convene a meeting of the Assembly for election of new members of the Council.

Meeting of
village
Assembly

(2) At a meeting convened pursuant to the provisions of subsection (1), the Chairman of the Council, or in his absence or inability to act, a temporary chairman elected by the Village Assembly, shall preside.

(3) It shall be lawful for the Village Assembly, at a meeting convened pursuant to subsection (1), to enlarge or reduce, subject to regulation made under this Act, the membership of the Village Council to be elected.

(4) The Village Council may, if it considers it necessary or desirable for any reason whatsoever so to do, convene an extra-ordinary meeting of the Village Assembly to discuss and decide upon any matter.

Officers of
Village
Council

10. (1) The members of a Village 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 Village Council;

(b) a Secretary of the Village Council:

Provided that in any case, where at the time of any election there is a branch of the Party within the village, 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 Village 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 subsection (1) and elect another member to that office.

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

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

Village
Council to
be a body
corporate

11.--(1) As soon as may be practicable after the election of the first Village Council following the registration of a village, the Registrar shall issue the Council with a certificate of incorporation in the prescribed form.

(2) Upon the issue of a certificate of incorporation in relation to a Village Council the Village 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.

12.-(1) Every Village Assembly and Village 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 Village Council Shall be-

Functions of
Village
Assembly
and
Village
Council

- (a) to do all such acts and things as are necessary or expedient for the economic and social development of the village;
- (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 village;
- (c) to plan and co-ordinate the activities of and render assistance and advice to the residents of the village engaged in agricultural, horticultural, forestry or other activity or industry whatsoever;
- (d) to encourage the residents of the village in undertaking and participating in communal enterprises;
- (e) to participate, by way of partnership or otherwise, in economic enterprises with other Village Councils.

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

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

13. A village and its various organs shall perform their functions as if the village were a multi-purpose co-operative society:

Village
deemed
to be co-
operative
Society
Acts, 1968
No. 28

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

14.-(1) No co-operative society registered under the Co-operative Societies Act, 1968 shall, save with the consent of the Minister in writing, operate within a village, and any such co-operative society operating within a village at the time of its registration under this Act, shall, if so directed by the Minister, wind up its affairs and dispose of its assets and liabilities within such time and in such manner as the Minister may direct.

No co-
operative
society
to operate
within
village
Acts, 1968
No. 28
Acts, 1968
No. 28

(2) The Minister may, by regulations made under this Act, modify in their application to the co-operative societies to which subsection (1) applies any of the provisions of the Co-operative Societies Act, 1968 or of any subsidiary legislation under that Act which relate to the dissolution of co-operative societies and of the disposition of their assets and liabilities.

15. Every Village Assembly and Village Council shall perform its functions, whether conferred by or under this Act or any other written law, under the auspices of the Party.

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

PART IV

UJAMAA VILLAGES

Minister
may
designate a
village as an
Ujamaa
Village

16.-(1) Where in relation to any village the Regional Committee is satisfied that a substantial portion of the economic activities of the village are being undertaken and carried out on a communal basis, the Regional Committee May recommend to the Minister to designate the village as an Ujamaa Village.

(2) Upon receipt of a recommendation under subsection (1), and after such inquiry and investigation as he may consider fit, the Minister may, by order in the *Gazette*, designate the village as an Ujamaa Village.

Certificate
of
designation

17. Where a village has been designated an Ujamaa Village the Minister shall issue to the Village Council a certificate of designation in such form as he may approve.

PART V

MISCELLANEOUS PROVISIONS

President
may
transfer
statutory
powers to
Village
Council

18.-(1) Where the President is satisfied that for the proper and efficient administration or management of the affairs of a village, or of the conduct of the affairs of its residents, or for the political, economic or social development of a village, it is necessary or desirable that the Village Council of the village enjoy, in relation to the village or its residents, any power (including any 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 village) 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 Village Council or any organ or committee of the Village Council may exercise such power in relation to the village or its residents as if such power, subject to such limitations and restrictions, if any, specified in the order, were, in relation to the village or its residents, conferred upon the Village Council or such organ or committee of the Village 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 Village Council or upon any organ or committee of a Village 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 Village Council or of the organ or committee of the Village Council in the exercise of such power or for any matter incidental to or connected with the exercise by the Village Council or the organ or committee of the Village 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 Village Councils generally or to or in relation to any category of Village Council or to or in relation to any particular Village Council specified in the order.

19. It shall be lawful for the Area Commissioner, the Registrar or an Assistant Registrar to attend any meeting of the Village Assembly or of the Village Council and assist the Assembly or, as the case may be, the Council in conducting the business of the meeting.

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

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

22. 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 Village Council shall, if done or omitted to be *bona fide* in the execution or purported execution of his duties as such member, officer, servant or agent, subject any such person to any action, liability or demand whatsoever.

23. (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-

- (a) prescribing forms of application for registration of villages and certificates of incorporation of Village Council;
- (b) providing for powers of Village Councils to borrow monies;
- (c) providing for the manner in which the accounts of Village Councils shall be kept, maintained and audited;
- (d) regulating the expenditure and investment of monies by Village Councils;
- (e) prescribing anything which may or is required to be prescribed.

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

Functions of
Area Com-
missioner
and Regis-
trar in
relation to
villages
Village
Council may
regulate its
own proceed-
ings
Vacancies
etc, not
to invalidate
proceedings

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

Regulations,
directions
and
delegations

(3) Where regulations are made in relation to any particular Village Council or any category of Village 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 Village Council or Village Councils in respect of which they apply.

(4) The Minister may, if he considers necessary in the public interest so to do, give any Village Council a direction of a general nature and the Council shall give effect to every such direction.

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

Passed in the National Assembly on the sixteenth day of July, 1975.



Clerk of the National Assembly