

## CHAPTER 206

# THE WARD TRIBUNALS ACT

[PRINCIPAL LEGISLATION]

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## CHAPTER 206

### THE WARD TRIBUNALS ACT

An Act to establish Ward Tribunals, to provide for their jurisdiction, powers, practice and procedure and other related matters.

[1<sup>st</sup> July, 1988]

[GN. No. 199 of 1988]

Acts Nos.  
7 of 1985  
12 of 1990  
18 of 1995  
2 of 2002  
1 of 2013

#### PART I PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Ward Tribunals Act.

Interpretation  
Act No.  
18 of 1995 Sch.

2. In this Act unless the context requires otherwise-  
“appropriate authority”, when used in relation to a Tribunal, means the district council or the urban authority within whose area the Tribunal is established, and includes any person appointed by the appropriate authority to perform any of its functions under this Act;

“Chairman” means the Chairman of a Tribunal and includes a person appointed to preside at proceedings of the Tribunal;

“dispute” includes any case where a person complains of, and is genuinely aggrieved by, the actions of another person, or any case in which a complaint is made in an official capacity or is a complaint against an official act;

“member” means a member of a Tribunal, and includes the Chairman;

“Minister” means the Minister responsible for Local Government Authorities;

“Tribunal” means a Ward Tribunal established under section 3;

“urban ward” means any ward constituted under the jurisdiction of an urban authority;

Cap. 287  
Cap. 288

“village” means any registered village or Ujamaa Village registered or designated under the Local Government (District Authorities) Act, or the Local Government (Urban Authorities) Act;

“village council” means a village council established under the Local-Government (District Authorities) Act, or the Local Government (Urban Authorities) Act;

Cap. 287  
Cap. 288

“ward committee” means a ward committee established under the Local Government (District Authorities) Act, or the Local Government (Urban Authorities) Act, for the ward in which the Tribunal is established.

## PART II

### THE WARD TRIBUNALS

Establishment of  
Ward Tribunals  
Act No.  
12 of 1990 Sch.

3. There is hereby established a tribunal for every ward in Tanzania to be known as the Ward Tribunal for the ward for which it is established:

Provided that the Minister may, by notice published in the *Gazette*, establish two tribunals for a Ward if he is of the opinion that there are special circumstances which make it necessary or desirable to do so.

Composition of  
Tribunals  
Act No.  
12 of 1990 Sch.

4.-(1) A Tribunal shall consist of-

- (a) not less than four nor more than eight other members elected by the Ward Committee from amongst a list of names of persons resident in the ward compiled in the prescribed manner; and
- (b) a Chairman of the Tribunal appointed by the appropriate authority from among the members elected under paragraph (a).

(2) There shall be a secretary of the Tribunal who shall be appointed by the local government authority in which the ward in question is situated, upon recommendation by the Ward Committee.

(3) The quorum at a sitting of a Tribunal shall be one half of the total number of members.

(4) At any sitting of the Tribunal, a decision of the majority of members present shall be deemed to be the decision of the Tribunal, and in the event of an equality of votes the Chairman shall have a casting vote in addition to his original vote.

Qualifications of members

5.-(1) A person shall not be entitled to be nominated as a member of a Tribunal if he is-

- (a) a member of the National Assembly;
- (b) a member of a village council or a Ward Committee;
- (c) a civil servant;
- (d) a legally qualified person or any person who is employed in the Judiciary;
- (e) a person under the apparent age of eighteen years;
- (f) a mentally unfit person;
- (g) a person who has previously been convicted of a criminal offence involving moral turpitude; or
- (h) a person who is not a citizen of the United Republic.

(2) A person shall not be recommended as a Secretary of a Tribunal unless he is, in the opinion of the Ward Committee, sufficiently literate and educated and capable of satisfactorily discharging the duties of Secretary.

Tenure of office of members  
Act No.  
12 of 1990 Sch.

6.-(1) A member of a Tribunal shall hold office for a term of three years from the date of his election and shall be eligible for re-election.

(2) If a vacancy occurs in the membership of a Tribunal by death, resignation or effluxion of time or any other reasonable cause the appropriate authority shall appoint an appropriate person to fill the vacancy until the date of the next election of members.

(3) Appointment to the office of Secretary shall be permanent in the service of the Local Government Authority within which the Tribunal to which he is appointed to be Secretary is situated.

Role of appropriate authority in relation to Tribunal

7. The appropriate authority in respect of a Tribunal shall be responsible for the general policy regarding the operation of the Tribunal and shall ensure, facilitate and promote the smooth and effective performance by the Tribunal of its functions.

### PART III

## JURISDICTION, POWER AND PROCEDURE

General jurisdiction

8.–(1) The primary function of each Tribunal shall be to secure peace and harmony in the area for which it is established by mediating and endeavouring to obtain just and amicable settlement of disputes.

(2) In all matters before it relating to a dispute, a Tribunal shall attempt to reach a settlement by mediation before exercising its compulsive jurisdiction as provided under this Act, and may adjourn any proceedings relating to a dispute in which it is exercising that jurisdiction if it thinks that by doing so a just and amicable settlement of the dispute may be reached.

(3) Without prejudice to the generality of subsections (1) and (2), a Tribunal shall have and exercise jurisdiction in relation to all matters and disputes arising under all laws and directives passed by the appropriate authority, and laws and orders in force in relation to or affecting the business and affairs of the ward made or passed by a local government authority or any other competent legislative authority within the area of the Tribunal's jurisdiction.

Particular matters of jurisdiction

9.–(1) Without prejudice to the generality of the jurisdiction conferred on a Tribunal by section 8, a tribunal shall have jurisdiction to enquire into and determine disputes relating to the offences and civil disputes specified in the Schedule to this

Act and may impose penalties to the extent specified in that Schedule.

(2) The Minister may, by order published in the *Gazette*, amend, vary or replace any of the provisions of the Schedule to this Act.

Pecuniary  
jurisdiction  
Act No.  
12 of 1990 Sch.

**10.**-(1) Notwithstanding measures imposable by a tribunal under section 17, a tribunal shall, in the exercise of its jurisdiction be limited to the following awards and penalties-

- (a) in criminal matters, a fine not exceeding ten thousand shillings;
- (b) in default of payment of a fine which does not exceed one thousand shillings, the convicted person shall be committed to work on an on-going communal project for not more than ten days;
- (c) in case of default of payment of a fine exceeding one thousand shillings, the matter shall be referred to the Primary Court for committal of the convicted person to prison or any other appropriate action under the law; and
- (d) in civil matters, awards not exceeding ten thousand shillings.

(2) Subject to section 19, the power to commit persons to imprisonment under this Act shall vest in Primary Courts.

Reference of  
matters to  
Tribunal

**11.**-(1) Proceedings may be instituted by making of a complaint to the secretary of a Tribunal, the Secretary of an appropriate authority, the Chairman of a Village Council or a ten-cell leader.

(2) Any person who reasonably believes that any person has committed an offence may make a complaint about the matter to any of the persons specified in subsection (1).

(3) A complaint may be made orally or in writing, but if made orally shall be reduced in writing by the person to whom it is made and, in either case, shall be signed by the complainant and the person to whom it is made.

(4) When a complaint is made to any person, that person shall, if he is not the Secretary of the Tribunal, cause it to be submitted to the Secretary of the Tribunal who shall enter it in the records of the Tribunal and arrange for it to be heard and determined by the Tribunal in accordance with the procedure of the Tribunal for the hearing and determination of disputes submitted to it.

Summons and date of hearing

**12.** Subject to the procedure made in that behalf by the appropriate authority, the Secretary shall issue summons to the parties involved in a complaint requiring them to attend before the Tribunal on the date specified in the summons for the complaint to be investigated and determined.

Appearance of parties

**13.**—(1) On the date specified in the summons the parties shall, subject to subsection (3), appear in person before the Tribunal, give their evidence and answer all questions put to them by any member of the Tribunal.

(2) Where on the date specified in the summons the complainant does not without reasonable cause, appear, the Tribunal shall dismiss the complaint and it shall not subsequently be brought before it; but if the Tribunal considers that the absence of the complainant is due to a reasonable cause or if the person complained against is absent, the Tribunal shall adjourn the hearing to some date which it may specify, and inform the appropriate authority of the absence of the person complained against.

(3) Where the complainant or the person complained against is a child below eighteen years of age, or is a person who for any sufficient cause cannot adequately put his case or defend himself, that person may appear before the Tribunal together with his parent, guardian, relative or friend who may, subject to the procedure adopted by the Tribunal, assist him in the examination or cross examination of witnesses or the making of submissions before the Tribunal.

Proceedings to be in public **14.** All proceedings before a Tribunal shall be open to the public unless, in the opinion of the Tribunal, it is in the public interest that the public or any person be excluded from any part of the proceedings.

Proceedings before Tribunal **15.**—(1) The Tribunal shall not be bound by any rules of evidence or procedure applicable to any court.

(2) A Tribunal shall, subject to the provisions of this Act, regulate its own procedure.

(3) In the exercise of its functions under this Act a Tribunal shall have power to hear statements of witnesses produced by parties to a complaint, and to examine any relevant document produced by any party.

Tribunal to pursue principles of justice **16.**—(1) Notwithstanding the provisions of section 15, a Tribunal shall in all proceedings seek to do justice to the parties and to reach a decision which will secure the peaceful and amicable resolution of the dispute, reconciliation of the parties and the furtherance of the social and economic interests of the village or ward as a whole in which the dispute originates.

(2) For the purposes of securing a just determination of a complaint, the Tribunal shall not make a decision on any complaint unless—

- (a) it has given an equal opportunity to each party to explain his part of the matter and to present his witnesses; and
- (b) any member of the Tribunal having any personal or financial interest in the complaint has disclosed it and not taken part in the proceedings.

Measures imposable by Tribunal **17.** At the conclusion of the proceedings the Tribunal may order that—

- (a) the party at fault apologise to the other party;
- (b) a person be censured or admonished at a meeting of the Village Assembly or Ward meeting;
- (c) the party at fault pay a specified fine not exceeding a certain amount prescribed by the appropriate or other legislative authority;

- (d) one party pay back what is due to the other party;
- (e) the defaulting party do some specific community work;
- (f) the defaulting party pay compensation;
- (g) the defaulting party carry out any other sanction acceptable in the village or ward concerned; or
- (h) the parties perform any customary act or acts which signify reconciliation.

Enforcement  
of measures of  
Tribunal

**18.**—(1) The appropriate authority shall devise an appropriate system for facilitating and securing the proper and full performance of the measures imposed and orders made by the Tribunal at the conclusion of the proceedings in relation to any matter referred to it.

(2) A person who fails, without reasonable cause (the burden of proof of which is on him), to obey any order of the Tribunal under this Act for which no other penalty is prescribed shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months or to both.

Order of  
imprisonment  
and its  
endorsement  
Act No.  
1 of 2013 s. 24

**19.**—(1) An order of a Tribunal for imprisonment under this Act shall be in the prescribed form and, pending endorsement of the order under subsection (2), the convicted person shall be held in such custody, or shall be released on such terms, as may be ordered by the Tribunal.

(2) Subject to subsection (3), an order of imprisonment under this Act shall have no force or effect unless endorsed by the Primary Court Magistrate or Resident Magistrate for the area in which the Tribunal is established.

(3) The Tribunal after making an order for imprisonment shall immediately cause it to be presented to the Primary Court Magistrate or Resident Magistrate for endorsement.

(4) The Primary Court Magistrate or Resident Magistrate to whom the order is presented for endorsement, shall endorse the order without delay, unless he has reason to believe that the Tribunal acted without jurisdiction or in excess of its powers.

(5) Where the Primary Court Magistrate or Resident Magistrate is convinced that the Tribunal has acted without jurisdiction or in excess of its powers, he shall exercise the power of revision provided for under section 21.

(6) The endorsed order under this section shall have the same effect as any sentence of imprisonment imposed by a Primary Court under any other written law.

(7) Where the order remitted to the Primary Court under subsection (3) is beyond the pecuniary jurisdiction of the Primary Court the Magistrate or Resident Magistrate shall immediately refer the same to the higher court of appropriate jurisdiction in accordance with the provisions of the Magistrates' Courts Act.

Cap. 11

## PART IV MISCELLANEOUS PROVISIONS

Appeals from  
decisions of  
Tribunal  
Act No.  
12 of 1990 Sch.

**20.**—(1) Subject to subsection (2), a person aggrieved by a decision of a Tribunal may within sixty days appeal in writing to a Primary Court.

(2) Except with the leave of the Primary Court, appeal shall not be entertained under the following circumstances—

- (a) in criminal cases in which the fine imposed does not exceed five hundred shillings; and
- (b) in civil matters where the award does not exceed eight hundred shillings.

(3) Except on points of law where the final appeal lies to the District Court, decision of a Primary Court on any appeal made to it shall be final and conclusive.

Review and  
revisional  
jurisdiction of  
Primary Court

**21.**—(1) A Primary Court may call for and examine the record of any proceedings of a Tribunal, for the purpose of satisfying itself as to whether in such proceedings the Tribunal's decision—

- (a) does not contravene any Act of Parliament, or subsidiary legislation;
- (b) does not conflict with the rules of natural justice; and

(c) was made by such Tribunal when it was properly constituted or without excess of jurisdiction, and may revise any such proceedings.

(2) In the exercise of its revisional jurisdiction, a Primary Court has power to substitute conviction and sentence for an acquittal, to quash the proceedings and to order a rehearing.

(3) In the case of civil matters, the revisional jurisdiction of a Primary Court shall be restricted to increasing any sum awarded or altering the rights of any party to his detriment.

(4) Proceedings under this section shall not be revised after the expiration of twelve months from the conclusion of such proceedings in the Tribunal.

Hearing of  
appeals and  
exercise of  
revisional  
jurisdiction  
Act No.  
1 of 2013 s. 25

**22.**—(1) In the hearing of an appeal against any decision of a Tribunal the Primary Court Magistrate or Resident Magistrate shall sit with not less than two assessors.

(2) The Primary Court in dealing with appeals against any decision of the Tribunal shall-

- (a) consider the records relevant to the decision; and
- (b) receive such evidence, if any, and make such inquiries as it may deem necessary.

(3) A party to any proceeding appealed against or under revision, may appear-

- (a) personally; or
- (b) by representative (other than a lawyer).

Decision on  
appeals or  
revision  
Act No.  
1 of 2013 s. 26

**23.**—(1) A Primary Court hearing an appeal against or making a review of a decision of the Tribunal may-

- (a) confirm the decision;
- (b) quash the decision; or
- (c) order the matter to be dealt with again by the Tribunal, and may, if it deems appropriate, give an order or direction as to how any defect in the earlier decision may be rectified.

(2) A Primary Court Magistrate or Resident Magistrate hearing an appeal or making a revision shall-

- (a) record the decision of the court on the appeal or revision and the reasons thereof; and

(b) forward it to the District Court.

Cap. 11 (3) The District Court may apply its revisional jurisdiction under the Magistrates' Courts Act, in respect of any appeal or revision recorded by a Primary Court Magistrate or Resident Magistrate under subsection (2).

Jurisdiction on  
land matters  
Act No.  
2 of 2002 Sch.

24. The provisions of sections 20, 21, 22 and 23 shall not apply to the ward Tribunal in the exercise of its jurisdiction in any matter relating to land.

[s. 23A]

Records of  
Tribunal

25.-(1) A Tribunal shall cause to be kept and maintained proper records of its proceedings in appropriate form.

(2) The Secretary of a Tribunal shall be responsible for recording all the evidence adduced and other matters formally transpiring during the proceedings before the Tribunal and all other matters in connection with it.

(3) The records of the Tribunal shall be deemed to be records of the Ward Committee and shall, for that purpose, be public records.

[s. 24]

Inspection of  
Tribunals

26.-(1) The Minister shall, after consultation with the Minister responsible for regional administration, by notice published in the *Gazette*, make provisions for a system of inspection of Tribunals and instruction of local government authorities and Ward Committees for the purposes of ensuring the furtherance of the purposes and objects of this Act.

(2) The Minister may, in the notice under subsection (1) appoint such persons or authorities as he may think fit for the purposes of this section.

[s. 25]

Public education  
of officers, etc.  
Act No.  
12 of 1990 Sch.

27. The Minister shall, in co-operation with any other Minister, Ministry, Department or other public authority formulate suitable programmes, schemes and seminars for the information and education of the public and the officers

and members of Tribunals on the methods of performing the functions of the Tribunals, for the purposes of ensuring their efficient and just operation.

[s. 26]

Remuneration of  
members  
Act No.  
12 of 1990 Sch.

**28.** The members of a Tribunal shall be paid such sitting or other allowance as the appropriate authority may, in collaboration with the Ward Committees, determine.

[s. 27]

Offences

**29.** A person who-

- (a) wilfully or without reasonable cause fails or refuses to attend before a Tribunal in response to a summons served on him;
- (b) having attended, refuses or fails to answer any question put to him by any member; or
- (c) does any act or thing which obstructs the proper functioning of a Tribunal or impedes any officer of the Tribunal or other person authorised by the Tribunal in the performance of its functions, is guilty of the offence of contempt of the Tribunal and on conviction shall be liable to a fine not exceeding eight hundred shillings or be required to perform some specific community work or to both.

[s. 28]

Directions by  
Minister

**30.**-(1) The Minister may, give directions to the appropriate authorities in connection with operations of Tribunals including prescribing matters required to be prescribed under this Act, and all authorities and persons concerned shall carry out or comply with all those directions and prescriptions.

(2) The Minister shall cause to be published all directions and prescriptions under this section in such manner as he deems appropriate, including publication in the *Gazette*.

[s. 29]

Repeal  
GNs Nos.  
219 of 1969  
219A of 1969  
108 of 1971

**31.** [Repeals the Arbitration Tribunals Regulations, 1969, Kanuni kuhusu Mabaraza ya Usuluhishi 1969 and the Marriage Conciliation Board Establishment Order, 1971]

[s. 30]

## SCHEDULE

(Section 9)

### PART I

#### OFFENCES AND PENALTIES UNDER THE PENAL CODE

Offence	Section	Maximum Penalty
Going armed in public	s. 84	Fine of Shs. 800/ - or 2 years imprisonment.
Forcible detainer	s. 86	Fine of Shs. 800/ - or 2 years imprisonment.
Affray	s. 87	Fine of Shs. 500/ - or imprisonment for 6 months.
Challenge to fight a duels.	s. 88	Fine of Shs. 800/ - or 2 years imprisonment.
Using abusive language and brawling	s. 89(1)	Fine of Shs. 500/ - or imprisonment for 6 months.
Threatening with violences.	s. 89(2)	Fine of Shs. 400/ - or imprisonment for 1 year.
Dissuading persons from participating	s. 89C	Fine of Shs. 1,000/ - or in self-help scheme imprisonment for 6 months.
Disturbing religious assembly	s. 126	Fine of Shs.1,000/ - or 2 years imprisonment.
Abduction of girls under 16 years	s. 134	Fine of Shs. 1,000/ - or 2 years imprisonment.
Insulting the modesty of a woman	s. 35(3)	Fine of Shs. 800/ - or imprisonment for 1 year.
Desertion of children	s. 166	Fine of Shs. 1,000/ - or 2 years imprisonment.
Neglecting to provide food for children	s. 167	Fine of Shs.400/ - or 2 years imprisonment.
Idle and disorderly persons	s. 176(b),(c) & (i)	Fine of Shs. 500/ - or (certain offences only)imprisonment for 3 months.
Wearing uniform without authority	s. 178(1)	Fine of Shs. 200/ - or imprisonment for 1 month.
Bringing contempt on uniforms	s. 178(2)	Fine of Shs. 400/ - or imprisonment for 3 months.

Offence	Section	Maximum Penalty
Fouling water	s. 185	Fine of Shs. 2,000/- or 2 years imprisonment.
Common assault	s. 240	Fine of Shs. 1,000/- or imprisonment for one year.
Omitting to take precautions against probable danger from any animal in one's possession	s. 233(d)	Fine of Shs. 1,500/- or 2 years in imprisonment.
Attempting suicide	s. 217	Fine of Shs. 300/- or 6 months imprisonment.
Concealing the birth of a child	s. 218	Fine of Shs. 1,000/- or 2 years imprisonment.
Other negligent acts causing harm not specified in s. 233	s. 234	Fine of Shs. 1,000/- or imprisonment for 6 months.
Criminal trespass	s. 299	Fine of Shs. 800/- or imprisonment for 1 year.

## PART II

### OFFENCES AND PENALTIES UNDER OTHER LAWS

Offence	Section	Maximum Penalty
Gambling (gaming) under the Prevention of Gambling Act (Cap. 19)	s. 3	Fine of Shs. 1,000/- or imprisonment for 1 month.
Under the Tsetse Fly (Control) Act (Cap. 100) (contravening regulations)		Fine of Shs. 200/- or imprisonment for 1 month.
Contravening of by-laws made by village council or Town, District or Municipal Council which relate to agricultural, educational and health matters		The sanction provided by the by-laws concerned.
Smoking noxious plants (bhang) (Cap. 95)		Fine of Shs. 2,000/- or imprisonment for 12 months.
Failure to enrol or send to school an enrolled child under the Public Primary Schools (Compulsory Enrolment and Attendance) Order, 977		The First Offenders: whole Order fine of Shs. 100/- or imprisonment for 1 month. Second Offenders: Fine of Shs. 500/- or imprisonment for 2 months. Subsequently: Imprisonment for 6 months.