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LG. 81071

THE LOCAL GOVERNMENT ORDINANCE
(CAP. 333)

AMENDING INSTRUMENT

AMENDING THE INSTRUMENT ESTABLISHING THE
MBEYA TOWN COUNCIL

Under section 10

THE LOCAL GOVERNMENT (MBEYA TOWN COUNCIL) AMENDING
INSTRUMENT, 1962

WHEREAS the Member for Local Government in exercise of the powers conferred upon him by section 4 of the Local Government Ordinance (hereinafter called the Ordinance) and with the prior approval of the Legislative Council signified by resolution, on the third day of October, 1956, made an Instrument establishing the Mbeya Town Council, called the Local Government (Mbeya Town Council) Instrument, 1956:

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AND WHEREAS it is considered desirable to amend the Local Government (Mbeya Town Council) Instrument in the manner hereinafter appearing:

NOW, THEREFORE, I, JOB MARECELA LUSINDE, Minister for Local Government and Administration, in exercise of the powers conferred upon me by section 10 of the Ordinance, do hereby make the following Amending Instrument:—

1. This Instrument may be cited as the Local Government (Mbeya Town Council) Amending Instrument, 1962, and shall be read and construed as one with the Local Government (Mbeya Town Council) Instrument, 1956, as amended from time to time (hereinafter together referred to as the principal Instrument).

Short title
and
construction
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2. Clause 7 of the principal Instrument is hereby amended by adding immediately below paragraph (2) thereof the following new paragraph to be numbered (3):—

Clause 7 of
principal
Instrument
amended

“(3) The provisions of paragraph (2) of this clause shall cease to have effect as from the twenty-fourth day of July, 1962, and with effect from that date the Council shall consist of fifteen members who shall be elected in accordance with the provisions of the Local Government Election (Urban Areas) Ordinance, and not less than three nor more than six members who shall be appointed by the Minister for Local Government and Administration, and who shall include the District Commissioner, Mbeya, the Medical Officer of Health, Mbeya, and the District Engineer, Mbeya.”

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G.N. No. 80 (contd.)

Clause 7A of principal Instrument deleted and replaced

3. Clause 7A of the principal Instrument is hereby deleted and the following new clause, to be numbered 7A, is substituted therefor:—

“7A.—(1) The Mbeya Township is hereby divided into five wards, the boundaries and names of which are specified in the Second Schedule hereto.

(2) With effect from the twenty-fourth day of July, 1962, each such ward shall be represented in the Council by three elected members.

(3) Notwithstanding the provisions of paragraph (2) of this clause, until the twenty-fourth day of July, 1962, each of the wards specified in the Second Schedule to the principal Instrument shall be represented as specified in clause 7A (2) of the said principal Instrument.

(4) An ordinary election of members to the Council shall take place on the twenty-fourth day of July, 1962, and on the fourth Tuesday in July every year thereafter.”

Clause 8 of principal Instrument amended

4. Clause 8 of the principal Instrument is hereby amended by inserting immediately after paragraph (2) thereof the following new paragraph, to be numbered (3):—

“(3) The provisions of paragraph (2) of this clause shall cease to have effect as from the twenty-fourth day of July, 1962, and with effect from that date the following provisions shall apply:—

(a) the members of the Council shall hold office for three years from the date of their election or appointment, as the case may be, and shall then retire:

Provided that of the fifteen members elected on the twenty-fourth day of July, 1962, five members, one from each ward and to be determined by ballot drawn by the Town Clerk at a meeting of the Council, shall retire at the end of one year from the date of their election, and of the remaining ten members elected on the said twenty-fourth day of July, 1962, five further members, one from each ward and to be determined by ballot drawn by the Town Clerk at a meeting of the Council, shall retire at the end of two years from the date of their election;

(b) the places of retiring elected members shall be filled by members elected to take their place;

(c) the places of retiring appointed members shall be filled by members appointed to take their place;

(d) the retiring members of the Council shall be eligible for re-election or re-appointment.”

Clause 11 of principal Instrument amended

5. Clause 11 of the principal Instrument is hereby amended as follows:—

(a) by deleting sub-clause (iv) thereof and substituting therefor the following new sub-clause, to be numbered (iv):—

G.N. No. 80 (contd.)

(b) by deleting the number and brackets "(41)" occurring in the fourth line of sub-clause (ix) thereof, and substituting therefor the numbers, brackets and commas "(40), (41), (42), (43)".

6. The principal Instrument is hereby amended by deleting the Second Schedule thereto and substituting therefor the Second Schedule as set out in the Schedule hereto.

Second
Schedule to
principal
Instrument
deleted and
replaced

7. The principal Instrument is hereby amended by deleting the Third Schedule thereto.

Third
Schedule to
principal
Instrument
deleted

SCHEDULE

"SECOND SCHEDULE

WARD 1:

From BP. 2 on the township boundary in an easterly direction for 1,100 feet to the confluence of the Sisimba and Mbata streams; thence in a north-westerly direction following the Mbata stream to a point where it meets the township boundary approximately 850 feet from BP. 4 in the direction of BP. 5; thence following the township boundary through BP. 4 and BP. 3 to BP. 2, the point of commencement.

WARD 2:

From the junction of Wageni and Third Streets along Third Street to the Mbata stream; thence in a north-westerly direction following the Mbata stream to a point where it meets the township boundary approximately 850 feet north-east of BP. 4; thence along the township boundary through BP. 5, Boundary Tree No. 2, Boundary Tree No. 3 to BP. 6; thence on a bearing of 250 degrees for 880 feet to the northern corner of Plot 39; thence along the western boundary of Plot 39 to the junction of Lupa Way and Macmahon Road; thence in a south-westerly direction along Lupa Way to Main Avenue; thence in a westerly direction along Main Avenue to its junction with Wageni Street; thence south along Wageni Street back to its junction with Third Street.

WARD 3:

From the confluence of the Mbata and Sisimba streams in a north-westerly direction along the Mbata stream to a point in line with Third Street; thence in an easterly direction along Third Street to Wageni Street; thence in a southerly direction along Wageni Street to Eighth Street; thence in a southerly direction back to the confluence of the Mbata and Sisimba streams.

WARD 4:

From the junction of Wageni Street and Main Avenue in an easterly direction along Main Avenue to its junction with Station Road; thence in a southerly direction along Station Road, Market Square and Mbalizi Road to the junction of Mbalizi Road and School Road; thence in an easterly direction along School Road to Jacaranda Street; thence in a south-westerly direction along Jacaranda Street for approximately 3,300 feet to a point 300 feet north-east of its junction with Mbalizi Road; thence in a south-westerly direction for 350 feet to BP. 1; thence along the township boundary through Boundary Tree No. 1 to BP. 2; thence in an easterly direction for 1,100 feet to the confluence of the Mbata and Sisimba streams; thence in a northerly direction for 800 feet to the junction of Eighth and Wageni Streets; thence in a northerly direction along Wageni Street back to its junction with Main Avenue.

WARD 5:

From the junction of Main Avenue and Station Road along Main Avenue to its junction with Lupa Way; thence in a north-easterly direction along Lupa Way to its junction with Macmahon Road; thence along the western boundary of Plot 39 to the northern corner of Plot 39; thence on a bearing of 70 degrees for 880 feet to BP. 6; thence along the township boundary through Boundary Tree No. 4, BP. 7, BP. 8 to J. 1273; thence along the township boundary through beacons J. 1359, J. 1360 and BP. 1; thence in a north-easterly direction for 350 feet to a point 300 feet from the junction of Mbalizi Road and Jacaranda Street; thence in a north-easterly direction along Jacaranda Street to its junction with School Street; thence in a westerly direction along School Street to Mbalizi Road; thence in a northerly direction along Mbalizi Road, Market Square and Station Road back to its junction with Main Avenue."

Made by the Minister for Local Government and Administration at Dar es Salaam this thirteenth day of March, 1962.

J. M. LUSINDE,
Minister for Local Government
and Administration