

## CHAPTER 287

# THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT

[PRINCIPAL LEGISLATION]

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## CHAPTER 287

### THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT

An Act to make provision for district authorities and to provide for related matters.

[14<sup>th</sup> March, 1983]

[1<sup>st</sup> January, 1984]

[GNs. Nos. 36 of 1983]

206 of 1983]

Acts Nos.	6 of 1999	4 of 2021
7 of 1982	14 of 1999	5 of 2022
4 of 1985	4 of 2000	
8 of 1985	15 of 2003	
13 of 1988	4 of 2005	
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11 of 1994	17 of 2010	
17 of 1996	1 of 2020	

## PART I

### PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Local Government (District Authorities) Act.

Application **2.** This Act shall apply to every district authority established under this Act.

Interpretation  
Acts No. **3.**—(1) In this Act, unless the context requires otherwise—  
8 of 1992 s. 3; “appropriate authority” when used in relation to any act,  
15 of 1993 s. 3; appointment, dismissal, licence, permit, matter or other  
6 of 1999 s. 3; thing, means the person, committee or other body of  
4 of 2000 Sch. persons permitted, required or in any other way made  
4 of 2005 s. 31 responsible by this Act for doing the act, making the  
appointment or issuing the dismissal, licence or permit,  
or doing that matter or other thing;

- “area” when used in relation to any local government authority, means the area in which the local government is established, or empowered by or under this Act to exercise jurisdiction in accordance with this Act;
- Cap. 2 “Assembly” means the National Assembly of the United Republic established by the Constitution;
- “auditor” means, in relation to a district council and an urban authority the Controller and Auditor-General, and in relation to any other district authority, the person appointed by a local government authority, with the prior approval of the Minister, to audit the accounts of that district authority in accordance with Head C of Part IV of the Local Government Finances Act, and includes a person duly authorised in that behalf by the auditor for the purpose of that Part of that Act;
- Cap. 290 “authority” and “local authority” both mean a local government authority and when used in relation to a township, means the township authority for that township;
- “Chairman”-
- (a) when used in relation to a district authority means the Chairman of that authority;
  - (b) when used in relation to any committee or other body of persons, means the Chairman of that committee or that other body of persons, and includes the Vice-Chairman of the district authority, the committee or of the other body of persons, or any other person acting in the absence of the Chairman and the Vice-Chairman, when he exercises the functions or discharges the duties of the Chairman pursuant to this Act;
- “committee”-
- (a) when used in relation to a district authority, means a committee established or appointed by that district authority under this Act;
  - (b) when used in relation to a sub-committee, means a sub-committee appointed by a committee;
  - (c) when used in relation to any other committee, means that other committee;

- Cap. 2           “Constitution” means the Constitution of the United Republic of Tanzania;
- “council” -
- (a) when used in relation to a district, means the district council for the district;
- (b) when used in relation to any village, means the village council for that village;
- “court” means any court in mainland Tanzania of competent jurisdiction and includes a ward tribunal established under the Ward Tribunals Act;
- Cap. 206           “Director” means in relation to any district council, the District Executive Director appointed for that district council under Public Service Act;
- Cap. 298           “district” means any part of Mainland Tanzania proclaimed or deemed to be proclaimed by the President to be a district pursuant to powers conferred on him by the Constitution;
- “district authority” means a district council, a township authority, a village council or *Kitongoji*;
- “District Commissioner” has the meaning ascribed to it by the Regional Administration Act, and-
- Cap. 97           (a) when used in relation to a district, means the District Commissioner for the district concerned; and
- (b) when used in relation to a local government authority, means the District Commissioner for the district in which that local government authority is established;
- “district council” means a district council established under section 5;
- “functions” includes powers and duties;
- “joint committee” means a committee appointed jointly by two or more local government authorities pursuant to section 83;
- “*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;
- “local government authority” means a district authority or an urban authority;

“member” means all members of the Local Government Authority specified under section 36;

“Minister” means the Minister responsible for local government;

Cap. 353

“national school” and “regional school” shall each have the meaning assigned to it by the Education Act;

Cap. 258

“political party” means a political party registered under the Political Parties Act;

“region” means any part proclaimed or deemed to be proclaimed by the President to be a region pursuant to powers conferred on him by the Constitution;

“Regional Commissioner”-

(a) when used in relation to a region, means the Regional Commissioner for the region concerned;

(b) when used in relation to a district authority, means the Regional Commissioner for the region in which that district authority is established;

“Registrar” means the Registrar of Villages appointed under section 23;

“Scheme” means the Local Government Service Scheme;

“Service” means the unified service, known as the Local Government Service, of authorities to which the Scheme applies, the establishment of which is provided for by the Scheme;

“service board” when used in relation to this Act means service board established in accordance with section 90;

“Solicitor” means any person duly qualified in law employed by a local government authority to discharge legal functions and includes an advocate engaged to represent a local government authority in court or tribunal;

“township” means the area of jurisdiction of a township authority;

“township authority” means a township authority established under section 13;

“ujamaa village” means a village designated under this Act as an ujamaa village;

“urban authority” means a city council, a municipal council or a town council;

“village” means a village registered as such 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;

Cap. 2

“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; and

“Ward Development Committee” means the committee established by section 32.

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

(3) Where it is provided in this Act that any power may be exercised subject to the provisions of this Act, the provisions shall be read and construed as providing, in relation to any authority, that the power may be exercised subject to those provisions of this Act which apply to that authority.

Minister to work for development of meaningful, democratic local government  
Act No. 6 of 1999 s. 4

4.-(1) It shall be the duty of the Minister, subject to this Act, to work towards-

- (a) promotion of local government in Mainland Tanzania;
- (b) evolution, progressive development and perpetuation of local government institutions geared and devoted to the pursuance of the meaningful involvement of and participation by the people in the making of decisions on matters affecting or connected with their livelihood and well-being at all local levels;
- (c) securing the effective execution by local government authorities, of the national policy on local government.

Cap. 2

(2) In discharging the duty imposed on him by this section, the Minister shall be guided, subject to this Act, by the need to evolve, and to foster, sound principles of democracy enshrined

in the Constitution and elaborated upon by or in the written laws of the United Republic.

(3) The Minister shall in exercising the powers and discharging the functions under this Act, be guided and bound by the need to promote decentralisation and the devolution of functions, powers and services from the central government system to local government and within the local government system from district council levels to lower level of local government.

(4) The Minister shall endeavour to ensure that there are adequate financial and other resources for various sectors or aspects of local government so as to ensure the effective and efficient development of the local government system.

(5) The Minister shall-

- (a) ensure availability and adequate supply of personnel trained, skilled or qualified for work in various sections or aspects of local government so as to secure the growth and development of an effective and efficient system of local government;
- (b) endeavour to ensure that the local government authorities are strong and effective institutions and that are more and more autonomous in managing their own affairs and they operate in a more transparent and democratic manner;
- (c) ensure that local authorities are accountable to the people and are generally so facilitated to improve their capacities towards being stronger and effective in delivering services to their people;
- (d) endeavour to ensure that there is available adequate financial and other resources for various sectors or aspects of local government so as to ensure the effective and efficient development of the local government system.

**PART II**  
**LOCAL GOVERNMENT AREAS, ESTABLISHMENT,**  
**REGISTRATION AND VARIATION OF AREAS**  
**OF LOCAL GOVERNMENT AUTHORITIES**

*Establishment of District Councils*

Power of Minister  
to establish  
district councils  
Act No.  
13 of 2006 s. 3

5.–(1) Subject to section 7, and to other provisions of this Part the Minister may, after consultation with the President, by order published in the *Gazette*, establish such district councils as he may deem necessary for the purpose of local government.

(2) In the discharge of the duty imposed by subsection (1) the Minister may, subject to this Act, establish such number of district councils in such areas as he may deem necessary, expedient or desirable for the purpose of establishing, promoting, developing and maintaining an effective and efficient system of local government.

(3) This section shall not be construed as requiring the Minister to establish a district council in every area in which there was established a district development council immediately before the commencement of this Act.

(4) The area of jurisdiction of a district council shall be such area or place as shall be specified in the order made under subsection (1).

(5) With effect from the date of the coming into operation of an order made under subsection (1), the district development council previously established in the area over which the district council is established by the order shall stand dissolved and shall not, at any subsequent time or period exercise any function in relation to that area under any other written law.

(6) With effect from the coming into operation of an order made under subsection (1) the District Council formerly established in an area part of which a new district council has been established shall continue to exist and exercise its functions in relation to the remaining area as shall be specified in the Order establishing the new council.

(7) Where the establishment of the new council alters the boundaries of the constituencies of the council, the formerly established council shall stand dissolved and the new council or councils as the case may be shall exercise their functions over that area as shall be apportioned to it in the establishment order.

Contents of  
establishment  
order

6. Every order made under section 5 shall-

- (a) specify the name or names of the district council or councils being established and the date or dates on which it or they shall be established;
- (b) define the area in which the district council shall be established and over which it shall exercise jurisdiction;
- (c) prescribe the device and official seal of the district council,

and may, in any appropriate case, include any ancillary matters such as the apportionment of assets, the continuance of by-laws and the effect on existing district councils of the establishment of the new district council or councils.

Procedure for  
establishment of  
district councils

7.-(1) A district council shall not be established except in accordance with the procedure prescribed by this section.

(2) Where it is intended to establish a district council in respect of any area or areas, the Minister shall, at least two months before making an establishment order under section 5, by notice published in the *Gazette*, and in any national newspaper or, any newspaper circulating in the area or areas in which it is intended to establish the district council, give notice of the intention indicating the general direction of the boundaries, and such other matters as he deems necessary, and call upon all interested authorities or persons affected, to lodge with him in writing any objections or other representations in such manner and within such time as may be prescribed.

(3) Where upon the expiration of the notice, no objections or other representations are received from any authority or person, the Minister shall proceed to make and publish in the *Gazette*, the order under section 5.

(4) Where any objections or other representations are lodged in writing with the Minister pursuant to the notice given under subsection (2), the Minister shall cause to be delivered an acknowledgement to the authority or persons lodging the objection or other representations concerned, and shall take into account the objections or representations in determining whether or not to establish the district council or the area of the district council to be established.

(5) As soon as possible after making the order under section 5, the Minister shall lay before the Assembly a copy of the notice issued under subsection (2), together with a copy of the order subsequently made under section 5.

Certificate of establishment

**8.**-(1) As soon as possible after the order made under section 5 and the notice issued under section 6 in respect of any district council have been laid before the Assembly, and in any case not later than the date specified in the establishment order as its date of commencement, the Clerk of the Assembly shall furnish to the district council or councils established or to be established, or whose boundaries are varied or are to be varied, a certificate under his hand containing the particulars prescribed by section 9; and the certificate shall be displayed in a prominent position in the principal office of the district council.

(2) Every certificate of establishment shall be in quintuplicate, and the Clerk of the Assembly shall retain a copy and send the three remaining copies one each to the Minister, the Permanent Secretary to the Treasury and the Regional Commissioner responsible for the region in which the district council in question is established.

Contents and effect of certificate

**9.**-(1) A certificate of establishment furnished under section 8 shall specify-

- (a) the name of the district council being established;
- (b) the total number of members;
- (c) the number of elected members and appointed members;

(d) the place where the principal office of the authority shall be situated;

(e) such other particulars as the Minister may determine.

(2) A certificate of establishment furnished under section 8 shall provide conclusive proof and final authority for the establishment or the variation of the boundaries of a district council, shall be the statutory instrument signifying the delegation by the Assembly of legislative power to the district council in respect of matters within its area of jurisdiction, and be conclusive evidence, in any proceeding, of the establishment of the district council concerned.

(3) Upon the issue of a certificate of establishment and the commencement of an order made under section 5 in respect of any area, whether or not the order is in respect of an existing district council, any reference in any written law, contract or other instrument or document to the local government authority in whose area a district council is established by the order shall be construed as a reference to the name of the district council as established by the order.

(4) Upon the issue of a certificate of establishment under section 8, where the area of the new authority was the area of a district development council, the district development council shall cease to exist and the affairs and operations of all persons and bodies of persons within that area shall be under the jurisdiction of the new authority, whose composition and operation shall be governed by this Act.

Variation of area  
of district council

**10.**—(1) The Minister may, for the promotion of an efficient and effective system of local government, and after consultation with the district council or councils or other authorities concerned, by order published in the *Gazette*, vary the boundaries of any district council.

(2) The Minister shall make an order under subsection (1) whenever-

(a) a new local government authority is to be established in the area or part of the area over which an existing district council has jurisdiction;

- (b) an area is to be transferred from the jurisdiction of one district council to that of another; and
- (c) it is intended to amalgamate or regroup two or more district councils.

(3) An order made under this section shall not come into operation unless and until the procedure prescribed by section 7 has been complied with.

Consequences of variation of area

**11.** Where the boundaries of a district council are varied in accordance with section 10, the Minister shall, in the order providing for the variation or in a subsequent order to which the provisions of subsection (3) of section 10 shall apply, make provision for-

- (a) the apportionment of the franchises, property, income, debts and expenses and of all rights, interests, obligations and liabilities arising under contract in relation to the area or areas transferred as between the district council from which the area or areas are transferred and that to which it or they are transferred as a result of the variation in the boundaries;
- (b) the preservation, continuation or modification of rights of persons in the area or areas transferred arising from the operation in relation to them of the by-laws subsisting in the jurisdiction of the district council or councils from which the area or areas are transferred;
- (c) the application of by-laws of the former district council or councils to the new district council established through the amalgamation of two or more councils.

District council to be body corporate  
Act No.  
13 of 1988 Sch.

**12.**-(1) Every district council established under this Part, and in respect of which there is furnished to the Minister by the Clerk of the National Assembly a certificate of establishment, shall, with effect from the date of commencement of the establishment order, be a body corporate, and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued; and

(c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

(2) The Minister shall, for the purposes of the proper administration of the affairs of local government categorise district authorities into grades based on the size of the area, the population and the level of social and economic development within the district authority in question.

(3) Where the Minister grades a district authority he shall cause a notice to that effect to be published in the *Gazette*, but the Minister may, in the order made under section 5 establishing the authority, in addition to the particulars required to be incorporated in the order, designate the grade of the district authority being established.

(4) The grading of any district authority shall not affect its status as a body corporate, and it shall discharge its functions and exercise its powers under this Act notwithstanding its grade.

#### *Establishment of Township Authorities*

Power of Minister  
to establish  
township  
authority  
Act No.  
8 of 1992 s. 4

**13.**—(1) The Minister may by order published in the *Gazette*, establish a township authority or such number of township authorities in such places or areas as he may see fit or desirable for the purposes of establishing, promoting, developing and maintaining an effective and efficient system of local government.

(2) The area of jurisdiction of a township authority shall be such area or place as shall be specified in the order made under subsection (1).

(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 subsection 4 of section 30 shall apply *mutatis mutandis* in relation to the election and removal of the chairman.

Contents of  
establishing order

**14.** Every order made under section 13 shall-

- (a) specify the name or names of the township authority or authorities being established and the date or dates on which it or they shall be established;
- (b) define the area in which the township authority or authorities shall be established and over which it or they shall exercise jurisdiction;
- (c) prescribe the device and official seal of each township authority so established,

and may, in any appropriate case, include any ancillary matters such as the apportionment of assets, the continuance of the application of by-laws and the effect on existing local authorities in the neighbourhood, or the establishment of the new township authority or authorities.

Procedure for  
establishment

**15.** An order made under this Part, establishing a township authority shall not come into operation or be published in the *Gazette*, save after prior approval of the district council, in whose area of jurisdiction the township authority in question is to be established, signified by resolution, has been given to the proposal to establish the township authority.

Certificate of  
establishment

**16.**-(1) As soon as possible after an order providing for the establishment of a township authority has been published in the *Gazette*, the Director of the district council in whose area of jurisdiction the township authority is being established shall furnish to the township authority established by the order a certificate under his hand signifying the approval of that district council to the establishment of township authority, and the incorporation of that township authority in the name specified in the order upon the commencement of the order.

(2) The certificate of establishment furnished by the Director shall be displayed in a prominent position in the principal office or ordinary meeting place of the township authority.

Contents  
and effect of  
certificate

**17.**-(1) The certificate of establishment furnished by the Director pursuant to section 16 shall be conclusive proof

of, and provide final authority for, the establishment of the township authority.

(2) In addition to the name of the township authority being established, the certificate shall specify-

- (a) the total number of members;
- (b) the number of elected and of appointed members;
- (c) the place where the principal office of the township authority shall be situated; and
- (d) such other particulars as the Minister may, by notice published in the *Gazette*, with the prior approval of the Assembly, determine.

(3) Every certificate of establishment shall be in quadruplicate, and the Director shall retain a copy and send the remaining two copies one each to the Minister and the Regional Commissioner responsible for the Region in which the township authority concerned is established.

Variation of  
area of township  
authority

**18.**-(1) The Minister may, where he deems it necessary or expedient for the promotion of an efficient and effective system of local government, and after consultation with the district council in whose area of jurisdiction a township authority is established, by order published in the *Gazette*, vary the boundaries of any township authority.

(2) The Minister shall make an order under subsection (1) whenever-

- (a) it is proposed to enlarge the area of the township authority;
- (b) it is proposed to transfer any area of the township authority to another local government authority or to transfer to it any area of another local government authority or both;
- (c) it is intended to establish a new local government authority in an area under the jurisdiction of the township authority; or
- (d) it is proposed to amalgamate or regroup two or more township authorities.

(3) The provisions of section 15 relating to the establishment of township authorities shall apply *mutatis mutandis* to orders for the variation of boundaries of township authorities.

Township authority to be body corporate

**19.** Every township authority established under this Part, and in respect of which there is furnished to the Minister by the Director a certificate of establishment in pursuance of subsection (3) of section 17 shall, with effect from the date of commencement of the establishment order, be a body corporate, and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued; and
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

Attainment of town council status

**20.**-(1) The Minister shall, by notice published in the *Gazette*, specify prerequisite qualifications for the attainment by a township authority to the status of a town council, in accordance with the national policy on urban development.

(2) Upon the satisfaction of the qualifications referred to in subsection (1) by a township authority, the township authority shall be conferred the status of a town council.

Consequences of attainment of new status

**21.** Upon the attainment to the status of a town council and the conferment of that status upon it, the township authority shall cease to be a local government authority of that status and shall be governed in its constitution and operation by the law in force in relation to urban authorities.

#### *Establishment of Village Authorities*

Registration of villages

**22.**-(1) In any case where the Registrar is satisfied that a prescribed number of households have settled and made their homes within any area of Mainland Tanzania, and that the boundaries of that area can be particularly defined, he may, subject to any directions given in that behalf by the Minister, register that area as a village.

(2) Notwithstanding subsection (1), the Minister may, in any case-

- (a) authorise two or more areas to be registered as a single village; or
- (b) authorise the registration of an area as a village notwithstanding that there are less than the prescribed number of households within the area.

(3) The Registrar shall, 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 that village.

Appointment of Registrar  
Act No.  
6 of 1999 s. 5

**23.**-(1) The Minister shall appoint a public officer to be the Registrar of Villages for the purposes of this Part.

(2) The chief executive officer of the district council shall be the assistant registrar of villages situated in the area of that district council.

(3) The Registrar shall discharge and exercise such functions and powers as are conferred upon him by or under this Act, and any other functions and powers which may be conferred upon him by any other written law.

(4) Subject to this Act and to any directions in that behalf given by the Minister, the Registrar may, by writing under his hand, delegate any of his functions to an Assistant Registrar.

The village assembly

**24.** There shall be a village assembly for every village.

The village council

**25.** There shall be a village council for every village in accordance with the provisions of this Act.

Village council to be body corporate  
Act No.  
1 of 2020 s. 30

**26.**-(1) As soon as may be practicable after the election of the first village council following the registration of a village, the Registrar shall furnish to the village council a certificate of incorporation in the prescribed form, and also a copy of that certificate to the appropriate Director.

(2) Upon the issue of a certificate of incorporation in relation to a village, the village council of the village in question

shall, with effect from the date of that certificate, be a body corporate, and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued; and
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

(3) Notwithstanding subsection (2), the District Executive Director shall have the right to be joined as a party in any suit or matter instituted by or against the Village Council and for that purpose the Village Council shall have a duty to notify the District Executive Director of any impending suit or intention to institute a suit or matter against the Village Council.

Attainment  
by village of  
township status

**27.**-(1) The Minister shall, by notice published in the *Gazette* specify qualifications prerequisite to the attainment by any area to the status of a township, in accordance with the national policy on urban development.

(2) Where any village, or any group or villages together, satisfy the qualifications prerequisite to the attainment of township authority status, the Minister may, subject to this Act, declare the area of that village, or those villages, to be a township.

Consequences  
of attainment of  
new status

**28.**-(1) Where a village, or the area of a group of villages, is conferred the status of a township, there shall cease to exist in that area a village or villages and there shall be established, *in lieu* of the village or those villages, a township authority, subject to the provisions of this Act.

(2) Notwithstanding subsection (1), the Minister may provide for the inclusion of neighbouring village in the area over which a township authority is, established for the purposes only of provision by the authority of any specified services to those villages.

### *Divisions and Wards*

Districts to be divided into divisions and wards

**29.**—(1) Every district to which this Act applies shall be divided into such number and size of divisions as may, subject to this section, be specified.

(2) A division shall consist of such number and size of wards as the district council may determine, subject to subsection (3).

(3) The Minister may by order published in the *Gazette*, provide for general principles to guide and to be complied with by all district councils in determining the number and size of divisions in their respective areas.

Division of district council into wards  
Acts Nos.  
8 of 1992 s. 5;  
14 of 1999 Sch.  
17 of 2009 s. 4

**30.**—(1) The area of a district council shall be divided into wards consisting of such number of villages as may be specified in an appropriate order.

(2) The Minister shall, with the prior approval of the President either by the order made under section 5 providing for the establishment of a district council or by a subsequent order, and may, by order made under this section, and published in the *Gazette*, divide the area of all or any of the district councils established under this Act into such number of wards as he may specify in the order.

(3) The area of the village shall be divided into not more than five *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 all adult members of the *Kitongoji* in accordance with the regulations made by the Minister.

(5) Notwithstanding subsection (3), existing villages which consist of more than five *vitongoji* shall be divided and reduced to five *vitongoji* at the time and in the manner as the Minister may deem appropriate.

Ward Executive Officer  
Act No.  
13 of 2006 s. 4

**31.**—(1) There is hereby established for each ward an office of the Ward Executive Officer.

(2) The functions of the Ward Executive Officer shall include-

- (a) to represent and assist the Director in overseeing the implementation of Development Activities in the Ward;
- (b) to prepare action plans in respect of all duties and functions conferred upon him and submit them to the Director;
- (c) to supervise the Village Executive Officers in the implementation of their functions;
- (d) to participate and advise in the preparation of development plans in the ward;
- (e) to coordinate action plans and implementation reports for Village Executive Officers within the Ward and submit such plan to the Divisional Secretary and Director;
- (f) to attend, advise and provide reports in respect of implementation of activities within the Ward in the Ward Development Committee;
- (g) to be a Secretary to the Ward Development Committee;
- (h) to enforce all by-laws in the Ward;
- (i) to promote the establishment and development of co-operative enterprises and activities within the Ward;
- (j) to supervise and coordinate the implementation of projects and programmes of the Ward;
- (k) to plan and coordinate the activities of, and rendering assistance and advice to the residents of the Ward;
- (l) to formulate and submit to the village councils or the District Council of proposals for the making of by-laws in relation to the affairs of the Ward;
- (m) to monitor revenue collection;
- (n) to initiate and promote participatory development in the Ward;
- (o) to manage disaster in the Ward;
- (p) to promote gender issues in the Ward;

- (q) to supervise the Mtaa Executive Officers in the performance of their functions; and
- (r) to perform such other functions as may be directed by the Director.

[s. 30A]

Establishment  
of Ward  
Development  
Committee  
Acts Nos.  
4 of 1985 Sch.;  
6 of 1999 s. 6

**32.**—(1) There is hereby established a Ward Development Committee for every ward established in the area of every district council.

(2) Every Ward Development Committee shall consist of—

- (a) a councillor representing the ward who shall be a chairman or in his absence members shall elect a presiding Chairman from amongst village Chairmen;
- (b) chairmen of all village councils within the ward;
- (c) any person who is a member of a district council by virtue of section 36(1)(c) of this Act and who is ordinarily resident in the ward; and
- (d) any other persons who may be invited by the committee who shall include persons from non-governmental organisations and other civic groups involved in the promotion of development in the ward but shall have no right to vote.

(3) The ward executive officer shall be the Secretary of the Ward Development Committee.

(4) The Ward Development Committee shall ordinarily meet at least four times a year but may hold a special or extraordinary meeting whenever necessary.

(5) The Secretary of the Ward Development Committee shall record the proceedings of the meetings and shall submit the minutes to the Ward Development Committee and district council.

(6) The Ward Development Committee may for the purpose of coordinating the functions or projects amongst different wards, establish joint ward committees.

(7) The joint ward committees established under subsection (6) shall each consist of such members as may be determined by the Ward Development Committee.

(8) The funds and resources of Ward Development Committee shall consist of such sum as may be determined and appropriated by the district council for the purpose of the ward development committees.

[s. 31]

Functions  
of Ward  
Development  
Committee  
Act No.  
6 of 1999 s. 7

**33.**—(1) The Ward Development Committee shall be responsible for ensuring the implementation of the decisions and policies of the district council, and of the development schemes, which relate to the ward, and without prejudice to the generality of that duty, shall, in particular, be responsible for-

- (a) promoting the establishment and development of cooperative enterprises and activities within the ward;
- (b) the initiation or formulation of any task, venture or enterprise designed to ensure the welfare and well being of the residents of the Ward;
- (c) the supervision and co-ordination of the implementation of projects and programmes of the district council within the ward;
- (d) planning and co-ordinating activities of, and rendering assistance and advice to the residents of the ward engaged in any activity or industry of any kind;
- (e) the formulation and submission to the village councils or to the district councils, of proposals for the making of by-laws in relation to the affairs of the ward;
- (f) monitoring revenue collection;
- (g) initiating and promoting participatory development in the ward;
- (h) supervising all funds established in and entrusted in the ward;
- (i) managing disaster and environment related activities; and
- (j) promotion of gender issues.

(2) For the purposes of subsection (1), a scheme or programme for the development of the area of the ward includes a scheme or programme-

- (a) for agricultural or pastoral development;
- (b) for the construction of roads or public highways;
- (c) for the construction of works or buildings of the social welfare of the inhabitants of the ward;
- (d) for the establishment of any industry;
- (e) for the construction of any work of public utility.

[s. 32]

Procedure for implementation of schemes and programmes

**34.**-(1) Where any scheme or programme for the development of the ward has been approved by the Director or the village councils concerned, the Ward Development Committee shall, in such manner as is customary to disseminate information in the area, inform all persons within the area of the ward of the details of the scheme or programme and of the date, time and place upon which and when the persons liable to participate in its implementation shall report in order to participate.

(2) The Ward Development Committee may require different categories of persons to report for participation in the implementation of a scheme or programme, at different times.

(3) Subject to the preceding provisions of this section, and to any general or specific directions of the district council in that behalf, the Ward Development Committee may, in enforcing the implementation of any scheme or programme, adopt such procedure or procedures as will appear to it to be best suited for or conducive to the speedy and correct realisation of the purposes of the scheme or programme.

[s. 33]

Proceedings of Ward Development Committee

**35.**-(1) Subject to any regulations made in that behalf or any directions given by the district council, every Ward Development Committee may regulate its own procedure.

(2) The Director of each district council shall be the Secretary to the council, but shall not vote at any of its meetings.

(3) The validity of any act or decision taken at any meeting of a Ward Development Committee or any of its sub-committees shall not be affected by any vacancy in their respective membership or any defect in the appointment of the persons attending any of their respective meetings.

[s. 34]

### PART III COMPOSITION OF LOCAL GOVERNMENT AUTHORITIES

#### *Composition of District Councils*

Constitution of district councils Acts Nos. 8 of 1992 s. 6; 4 of 1993 s. 3; 11 of 1994 s.21; 6 of 1999 s. 8; 4 of 2000 Sch. 13 of 2006 s. 5

**36.**—(1) Every district council shall consist of—

- (a) members elected one from each ward in the area of the district council;
- (b) three members appointed by the Minister;
- (c) the member or Members of Parliament representing constituencies within the area of the district council in the Assembly; and
- (d) such number of women members who are qualified to be elected to the council, being not less than one third 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;
- (e) a Member of Parliament appointed by the President in accordance with Article 66(1)(e) of the Constitution, shall be a member of the Council in which he ordinarily resides:

Provided that, where the Members of Parliament appointed by the President are more than three, the Minister shall, by order published in the *Gazette*, direct that the members in excess of three to become members of the neighbouring

councils within the region in which the members ordinarily reside, and from the date of the order, the members so directed shall be members of such councils as if they were ordinarily residents in such council;

- (f) not more than three members to be appointed by the Minister whose appointment shall have regard to specific groups including persons with specific expertise, marginalised and disadvantaged groups;
- (g) any other member of parliament whose nomination originated from organs of political parties within the area of jurisdiction of the district council.

(2) The Director of the each district council shall be the Secretary to the council.

(3) Members of the district council elected under paragraph (f) shall be elected after every three years by rotation and shall not exceed one-third of all elected members of the district council.

(4) Members required to be elected by the district council shall be elected by secret ballot at elections in which no person shall participate except members referred to in subsection (1) (a), (d), and (e), and they shall be deemed to be appointed members for the purpose of this Act.

(5) Subject to the provisions of any other law, the electoral authority may provide the procedure to be followed by political parties in the nomination and election of names of members under subsection (1)(d).

[s. 35]

Procedure for  
appointment of  
councilors by  
Minister  
Act No.  
13 of 2006 s. 6

**37.**—(1) The appointment made under section 36(1)(f) shall be as the Minister may prescribe in the regulations.

(2) The appointment made by the Minister under section 36(1)(f) shall have regard to the proportionality of the number of members of those parties elected to the Council.

[s. 35A]

Chairmanship of district councils Acts Nos. 8 of 1985; 8 of 1992 s. 7; 4 of 2000 Sch. 13 of 2006 s. 7

**38.**—(1) There shall be a Chairman and Vice-Chairman for each district council.

(2) The Chairman and the Vice-Chairman of the District Council shall each be elected by members from amongst themselves.

(3) The Chairman shall, unless he sooner resigns or otherwise ceases to be a member, hold office for a term of five years.

(4) Subject to the provisions of section 46, the Vice-Chairman shall hold office for one year.

(5) Notwithstanding the provisions of subsections (3) and (4), where a situation arises whereby the number of members is balanced such that no decision can be reached then the Council may, by resolution determine such shorter period of which the Chairman or the Vice-Chairman shall hold office.

(6) Where for any reason, or the ordinary term of Office of Chairman and Vice-Chairman is altered, the term of Office of Chairmen of the Committees shall correspond to that of the Mayor or Chairman in accordance with the resolution of the Council and the Members thereby shall be proportional to the members representing each political party in the Council.

(7) The Vice-Chairman shall hold office for one year, but may be re-elected.

(8) 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 removed may appeal to the Minister only on issues of procedure relating to such removal.

[s. 36]

Election of elected members

**39.**—(1) All elected members of the district council shall be elected at elections conducted for the purpose in accordance with the provisions of the law in force in relation to the election of members of local government authorities.

(2) Ordinary elections of elected members shall be held prior to the date of retirement of incumbent members; and

elected members shall not assume their offices until after the incumbent members have retired.

[s. 37]

Qualifications for  
elections  
Acts Nos.  
8 of 1992 s. 8  
15 of 1993 s. 7

**40.** A person shall not be qualified for election as an elected member of a district authority unless-

- (a) he has attained the apparent age of twenty one years;
- (b) he is a member of a household within the *Kitongoji* and is ordinarily resident of the *Kitongoji*;
- (c) he is able to read and write in Kiswahili and English;
- (d) he has a lawful means of livelihood;
- (e) he is a citizen of the United Republic;
- (f) he is a member of and sponsored by a political party registered as such by an Act of Parliament.

[s. 38]

Tenure of office of  
elected members  
Acts Nos.  
8 of 1985 Sch.

**41.**-(1) The term of office of a member of a district council, including that of the Chairman, shall be five years and all the elected members shall retire on the fifth anniversary of the date on which they assumed their office and their places, if not re-elected, shall be filled by newly elected members who shall come in office on that day.

(2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.

[s. 39]

Cessation of  
membership for  
disqualification

**42.** Where a person is elected a member of a district council and subsequently circumstances occur in relation to him such that if he were not yet elected he would thereby have been disqualified from standing as a candidate for election as a member, he shall be disqualified from continuing in office, shall cease to be a member and the Electoral Authority shall declare his seat on the district council to be vacant, and thence cause elections to be held to fill the vacancy.

[s. 40]

Resignation  
and absence of  
members

**43.**—(1) Any elected member may resign his seat on the council by giving written notice of his resignation to the Chairman.

(2) A district council may grant leave of absence from its meetings, not exceeding ten months, to any member who desires to proceed to a destination outside the United Republic; and during the period of absence of that member the district council may co-opt a person to discharge the duties of the absent member, subject to subsection (3).

(3) Where an elected member is for any reason absent from the United Republic for a period exceeding ten months his seat on the district council shall be deemed to be vacant.

(4) A person co-opted to discharge the functions of the office of a member shall during the period for which he is co-opted have and exercise the same rights and powers in all respects as the member the functions of whose office he is discharging has when present.

(5) Where any member of a district council—

(a) without prior written consent of the Chairman, absents himself from three consecutive ordinary meetings of a district council; or

(b) without leave of absence or the prior written approval of the chairman of a committee absents himself from three consecutive meetings of any committee to which he has been appointed by the district council,

he shall, after proper inquiry by the district council at a subsequent meeting held for that purpose, be liable to be discontinued in his office as a member of the district council.

[s. 41]

Repealed

**44.** [Repealed by Act No.7 of 2010 s. 42.]

[s. 42]

Decision of  
questions as to  
membership of  
council

**45.**—(1) All questions arising as to whether a person has been lawfully elected a member or not, or the right of any person to be or remain a member of a district council, shall be determined by a court of a Resident Magistrate upon the

application of or election petition presented by, any one or more of the following persons, namely-

- (a) a person who lawfully voted or had a right to vote at the election to which the application or election petition relates;
- (b) a person claiming to have had a right to be nominated or elected at an election;
- (c) a person claiming to have been a candidate at the election;
- (d) a person claiming to have a right to be or remain a member of a district council; and
- (e) the Attorney General.

(2) Petitions and applications tried in pursuance of this section shall be governed by the provisions of the law in force in relation to the trial of petitions and applications arising from elections in local government authorities.

[s. 43]

Procedure for  
election of  
Chairman and  
Vice-Chairman

**46.**-(1) There shall be held an election for the office of Chairman whenever the seat is or is due to be vacant, which shall be conducted in accordance with the provisions of the law in force in relation to the election of members of local government authorities.

(2) An election of the Vice-Chairman shall be held whenever that office is vacant, and the district council shall regulate its own procedure for the purpose.

[s. 44]

#### *Composition of Township Authorities*

**47.**-(1) Every township authority shall consist of-

- (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;

Constitution  
of township  
authority  
Acts Nos.  
8 of 1992 s. 10  
6 of 1999 s. 9

- (c) not more than three other members to be appointed by District Council of the Township;
- (d) the Member of Parliament representing the constituency within which the township authority is established; and
- (e) such number of women members who are qualified to be elected to the township authority 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 township authority in such numbers as shall be proportional to the number of members of those parties elected to the township authority which the electoral authority shall declare to have been elected into the township authority.

(2) The Township Executive Officer of the township authority shall be the secretary of the township authority meeting but shall not vote at any of its meetings.

[s. 45]

Election of  
Chairman and  
Vice-Chairman

**48.** The Chairman and the Vice-Chairman of a township authority shall each be elected by the members of the township authority from amongst the elected members of that authority.

[s. 46]

Elected and  
appointed  
members  
of township  
authority  
Act No.  
8 of 1992 s. 11

**49.**—(1) The appointment of appointed members of a township authority shall be carried out at the first meeting of the district council next following the establishment of the township authority concerned within the area of the district council.

(2) All persons who become members of a township authority immediately after its establishment shall hold office only for the remainder of the term of office of the elected members of the district council.

[s. 47]

Qualifications for  
elections

**50.** The provisions of section 40 which relates to the qualifications for elections to membership of a district council shall apply, *mutatis mutandis*, to persons seeking election to membership

of a township authority as if references in that section to district councils were references to township authorities.

[s. 48]

Tenure of office of  
members  
Act No.  
8 of 1992 s. 12

**51.**—(1) The term of office of an elected member of a township authority, including the Chairman, shall, subject to subsection (2), be three years and all the elected members shall retire on the third anniversary of the date on which they assumed their offices and their places, if not re-elected, shall be filled by newly elected members who shall come in office on that day.

(2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.

(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 removed may appeal to the Minister only on issues of procedure relating to such removal.

[s. 49]

Cessation of  
membership for  
disqualification

**52.** Where a person is elected a member of the township authority and subsequently circumstances occur in relation to him such that if he were not yet elected he would thereby have been disqualified from standing as a candidate for election as a member, he shall be disqualified from continuing in office, shall cease to be a member and the Electoral Authority shall declare his seat on the township authority to be vacant, and thence cause elections to be held to fill the vacancy.

[s. 50]

Resignation  
and absence of  
members

**53.** The provisions of section 43 shall apply, *mutatis mutandis*, to township authorities in relation to the right of members to resign and the limitation on frequency of absence of members from meetings as if references in that section to district councils were references to township authorities.

[s. 51]

Omitted **54.** [Omitted.] [s. 52]

Decisions of questions as to membership of township authorities **55.** The provisions of section 45 shall apply, *mutatis mutandis*, to the resolution of questions as to membership of township authorities as if references in that section to a district council were references to a township authority. [s. 53]

Procedures for election of Chairman and Vice-Chairman **56.**—(1) There shall be held an election for the office of Chairman of a township authority whenever the seat is or is due to be vacant, which shall be conducted in accordance with the provisions of the law in force in relation to the election of members of local government authorities.  
(2) An election of Vice-Chairman shall be held whenever that office is vacant, and the township authority shall regulate its own procedure for the purpose. [s. 54]

#### *Composition of Village Government Organs*

Composition of village assembly **57.** Every village assembly shall consist of every person who is ordinarily resident in the village and who has attained the apparent age of eighteen years. [s. 55]

Village Council Acts Nos. 8 of 1992 s. 13 17 of 2009 s. 5 **58.**—(1) There shall be established a Village Council in each village which shall be composed of not more than twenty-five members elected from amongst residents of all *Vitongoji* in the Village as follows:  
(a) Chairman to be elected by all residents within the village;  
(b) the Chairman of all the *Vitongoji* within the village; and  
(c) such other members to be elected in accordance with regulations made by the Minister, provided that not less than one third 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 Chairman and the Village Council shall be according to such Regulations as may be made by the Minister.

[s. 56]

Procedure for  
conduct of  
elections  
Acts Nos.  
17 of 1996 Sch.  
14 of 1999 Sch.  
17 of 2009 s. 6

**59.**—(1) As soon as may be practicable after the registration of a village, the election authority in the district where the village is situated shall issue a notice to the general public and set a date for election for the purpose of conducting election in accordance with regulations made by the Minister.

(2) The election summoned and conducted under subsection (1) shall be conducted in all *Vitongoji* within the village in accordance with the regulations made by the Minister.

(3) Upon expiry of five years from date when the election was conducted, the executive director in the district which the village is situated or any person appointed by the director to be the assistant returning officer shall in a manner prescribed by the Minister in the regulations, issue public notice with the intention to conduct election.

[s. 57]

Qualifications for  
election  
Acts Nos.  
8 of 1992 s. 14

**60.** A person shall not 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 household within the village and is ordinarily resident in the village;
- (c) he is able to read and write in Kiswahili or English;
- (d) he has a lawful means of livelihood.

[s. 58]

Tenure of office of  
elected members  
Acts Nos.  
8 of 1985 Sch.  
8 of 1992 s. 15  
14 of 1999 Sch.

**61.**—(1) Every member of the village council shall, unless he sooner ceases to be a member by death or resignation, continue to hold office as a member of that council until such time as the village assembly next meets for the election of the

members of the council in accordance with the provisions of subsection (3) of section 59.

(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 District Commissioner only on issues of procedure relating to such removal.

(3) A Chairman who is aggrieved by the decision of the District Commissioner under subsection (2) may appeal to the Minister.

[s. 59]

Cessation of membership for disqualification

**62.** Where it is ascertained that any member was elected while he was not qualified for election, or that a member properly elected has subsequently become disqualified to continue holding office as a member, that member shall forthwith cease to be a member, and arrangements shall be made to cause elections to be held to fill the casual vacancy so occurring.

[s. 60]

Resignation and absence of members

**63.**—(1) A member of the village council may at any time resign by giving written notice of his intention to resign to the chairman of the village council, and his resignation shall take effect from the date mentioned in the notice or, if no date is mentioned, on the receipt of the notice by the Chairman.

(2) Any member who, without leave of absence or the prior approval of the Chairman absents himself from three consecutive ordinary meetings of the village council, or of a committee of the council to which he is appointed by the council, shall by virtue of such absence be disqualified from continuing to be a member of the village council or of that committee.

[s. 61]

Casual vacancies **64.** Any casual vacancy occurring in the membership of a village council may be filled by the council by appointment of a member from amongst the residents of the authority, save 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 60;
- (b) any person appointed under this section shall hold office for the unexpired 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.

[s. 62]

## PART IV MEETINGS AND PROCEEDINGS OF LOCAL GOVERNMENT AUTHORITIES

### *Meetings and Proceedings of District Councils*

#### *A - Provisions Regarding Meetings*

Frequency, place  
and time of  
meetings

**65.**-(1) Subject to subsections (2) and (3) a district council shall hold an ordinary meeting for the transaction of its business at least once in every three months at such place, on a date and at such time as it may decide.

(2) The first ordinary meeting of a district council newly established under this Act shall be held at a place, on such day and at a time as the District Executive Director may appoint.

(3) The Chairman shall convene a special meeting within twenty-one days, or such lesser period as may be prescribed by the standing orders of the district council, after he receives a written request to that effect signed by not less than one-third of all the members of the district council and stating clearly the purposes for which the special meeting is requested to be convened.

[s. 63]

Quorum at meetings

**66.** One-half of all the members of a district council shall constitute a quorum at any ordinary meeting of the council, and the quorum at a special meeting of the council shall be two-thirds of all the members.

[s. 64]

Presiding at meetings

**67.** There shall preside at any meeting of a district council-

- (a) the chairman;
- (b) in the absence of the Chairman, the Vice-Chairman; or
- (c) in the absence of both the Chairman and the Vice-Chairman or in the case of inability of both to preside, such member of the district council as the members present may elect from amongst the elected members amongst themselves for the purpose of the meeting concerned.

[s. 65]

Decisions of district councils

**68.** All questions proposed for decision at any meeting of the district council shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes the chairman or other member presiding shall have a casting vote in addition to his deliberative vote.

[s. 66]

Meetings to be held in public

**69.**-(1) Subject to subsection (2), every meeting of a district council shall be open to the public and the press.

(2) The provisions of subsection (1) shall not apply to any committee, sub-committee or joint committee, or to a committee of the whole district council.

[s. 67]

Minutes of meetings

**70.**-(1) The Secretary shall record and keep details of all business conducted or transacted at all meetings of the district council in books kept and maintained for that purpose, and the minutes of each meeting of the council shall be read and confirmed, or be read, amended and confirmed, at the next

meeting of the council and signed by the person presiding at that meeting.

(2) The names of all members of a district council present and absent, and those of non-members invited to attend, at every meeting of the council shall be recorded in the minutes.

(3) Any minutes purporting to be signed by the person presiding at a meeting of a district council shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be, the meeting shall be deemed to have been duly convened and held, and all persons present at the meeting shall be deemed to have been qualified to attend.

[s. 68]

Minutes to  
be open for  
inspection

**71.** The minutes of the proceedings of a district council shall be open for inspection by members at all reasonable times, and by any member of the public at such time and under such arrangements as may be sanctioned by the Chairman, and any person may obtain an extract from the minutes upon payment of such fee as may be specified by the district council.

[s. 69]

Standing orders  
of district council

**72.**—(1) Subject to this Act and to any subsidiary legislation made under it, a district council may, with the prior approval of the Minister, make standing orders for the regulation of its proceedings and business, and in respect of matters to be referred and functions to be delegated to any committee of the council, and may, subject to such approval, vary, revoke, add to or amend those standing orders.

(2) Provision may be made in standing orders made under this section for the payment of transport, attendance, responsibility and other allowances to members of a district council.

[s. 70]

Councilors' or  
officers interest  
in contracts or  
agreements  
Act No.  
6 of 1999 s. 11

**73.**—(1) Where a member or officer of a district council has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting

of the council or its committee at which the contract, proposed contract or other matter is the subject of consideration he shall, as soon as practicable after the commencement of that meeting, disclose that fact and shall not take part in or be present at the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or that other matter, subject to subsection (2).

(2) This section shall not apply to an interest in a contract or other matter which a member or officer of a district council may have as a rate payer or inhabitant of the area of jurisdiction of the council, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods is offered to members of the public.

(3) Subject to this subsection and subsection (4), for the purposes of this section a person shall be treated as having an indirect pecuniary interest in a contract or other matter, if-

- (a) he or his nominee is a member of company or other body, or the holder of debentures in a company, with which the contract is made or proposed to be made or which has a direct pecuniary interest in the matter under consideration; or
- (b) he is a partner or in the employment of a person with whom the contract is made or proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(4) Subsection (3) shall not apply to membership of, or employment under any other district council or any association of persons who provide any public utility as a public body and not for their own profit; and a member of a company or other body shall not by reason only of his membership, and a person holding debentures shall not, by reason only of his holding debentures, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body or in those debentures.

(5) In this section a direct or indirect interest of a spouse or any members of the family of a member or officer of the

district council shall, if known to that member or officer of the council, be deemed to be a direct or indirect interest, as the case may be, of the member or officer of the district council.

(6) A general notice given in writing to the Director by a member or officer of the council to the effect that he, his spouse, or a member of his family has a direct or indirect interest in a contract, proposed contract or other matter and specifying the nature of the interest, shall, unless and until it is withdrawn be deemed to be a sufficient disclosure of his interest in any matter relating to it which may be the subject of consideration after the date of the notice.

(7) The Director shall cause to be recorded, in a book to be kept for the purpose, particulars of any disclosure made under subsection (1) and of any notice given under subsection (6); and that book shall be open to inspection at all reasonable times by any member or officer of the district council.

(8) A person who refuses or fails to comply with subsection (1) commits an offence and on conviction shall be liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding six months or to both, and shall, by virtue of the conviction and punishment, be disqualified from continuing to be a member or officer of the authority, and shall be liable to account to the authority for any profit which may accrue to him from any such contract or matter; but no prosecution for an offence under this section shall be instituted except with the prior consent of the Director of Public Prosecutions.

(9) The Minister may, subject to such conditions as he may think fit to impose, remove any disability incurred under this section in any case where the number of members or officers of a district council disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Regional Commissioner to be in the interest of the inhabitants of the area of jurisdiction of the council that disability should be removed.

(10) In this section-

- (a) a member of the family of a member or officer of a district council shall be deemed to include the father, mother, child, brother, or sister of the member or officer, and any person married to his father, mother, child, brother, or sister;
- (b) the expression “District Executive Director” includes a person who is acting in that office.

[s. 71]

Councillors’  
liability  
Act No.  
6 of 1999 s. 12  
Cap. 16

**74.** Where a councillor exercises the powers conferred on him by this Act in abuse of the authority of his office then he as well as any other person involved in procuring the councillor to exercise power in abuse of authority, is guilty of an offence and may be proceeded against in accordance with section 96 of the Penal Code.

[s. 72]

Validity of acts  
and proceedings  
of district council  
and officers

**75.** The validity of any act or proceeding of a district council, its members or of any of its officers shall not be affected by any vacancy among the members of the council or by any defect in their election or appointment, or that of its officers.

[s. 73]

Invitation to  
non-members to  
attend meetings

**76.**-(1) The Chairman of a district council may invite any person to attend and speak on any matter, or participate in any other way, at any meeting of the council, but any person invited shall not be entitled to vote at that meeting.

(2) All heads of departments of a district council shall attend all meetings of the council but they shall not be entitled to vote in any of those meetings.

[s. 74]

### *B. - Committees of District Councils*

Standing  
Committees of  
district councils  
Act No.  
6 of 1999 s. 13

**77.**-(1) Every district council shall establish standing committees for-

- (a) finance, administration and planning;

- (b) education, health and water; and
- (c) economic affairs, works and environment.

(2) Notwithstanding subsection (1) a district council may establish such other standing committees not exceeding three as may be necessary for the proper discharge of the functions of the council taking into account the local needs and priorities.

(3) The Minister may by regulations published in the *Gazette* prescribe the limit of the number of committees that may be established by a district council and the annual cost of meetings of a council of its committees and sub-committees.

(4) Any committee appointed under this section may invite other persons who are not members of the district council to provide expertise and other assistance but such invited persons shall not take part in the final decisions of the committee.

(5) The number of members of a committee established under this Act shall be such as may from time to time be determined by the district council.

(6) Each standing committee other than standing committee for finance administration and planning shall consist of not more than one third of the members of the district council.

[s. 75]

Functions  
of standing  
committees

**78.**—(1) Subject to subsection (2), a provision shall be made in standing orders of a district council for the composition and functions of each standing committee established under section 77.

(2) For the purposes of the performance of the functions of the district council as a local education authority pursuant to the provisions of Part III of the Education Act, each standing committee for educational affairs established by a district council pursuant to section 77 shall be deemed to be the Education Committee the establishment of which is referred to in section 11 of the Education Act, and for that purpose the Minister responsible for national education shall, by order published in the *Gazette*, specify matters which a district

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council shall take into account in establishing and providing for the performance of the functions of the standing committee on educational affairs.

[s. 76]

Repealed **79.** [Repealed by Act No. 6 of 1999 s. 14.]

[s. 77]

Co-option of non-councillors to committees

**80.** Any committee of the district council may, subject to prior approval of the council, co-opt as members of the committee such number of persons who are not members of the council as it may deem necessary for the efficient execution of any task undertaken by it.

[s. 78]

Delegation of powers to committees

**81.**—(1) Subject to subsection (2), and to any restrictions or conditions as it may deem fit to impose, a district council may delegate to a committee the power to discharge any function on behalf of the council.

(2) A district council may withdraw or alter any delegation to a committee, but no such withdrawal or alteration shall affect anything done in pursuance of any decisions lawfully taken by the committee.

(3) Any function discharged or power exercised by a committee in pursuance of the delegation made to it under this section shall be deemed to have been discharged or exercised by the district council.

[s. 79]

Sub-committees

**82.**—(1) Any committee or joint committee may appoint from amongst its members such sub-committee or sub-committees as it may deem expedient for the purposes of examining and reporting on any matter, but the committee shall not delegate any of its executive power to any such sub-committee.

(2) The number of members of a sub-committee and their terms of office shall be such as may be fixed by the committee appointing it.

(3) Subject to the standing orders of the district council, a sub-committee shall determine its own procedure.

(4) A sub-committee shall not discharge any of the functions of the district council which have been delegated to the committee by which it was appointed.

[s. 80]

Joint Committees **83.**—(1) Subject to any general or specific directions given by the Minister in that behalf, a district council may concur with any one or more other district councils or other local government authorities, in appointing from among their respective members a joint committee of those councils or of that council and the other local government authority or authorities for any purpose in which they are jointly interested, and may delegate to that committee, subject to such restrictions or conditions as they may deem fit to impose, any powers or functions of the council relating to the purpose for which the joint committee is formed except such matters as the district council is not empowered to delegate by this Act.

(2) Subject to this Act, the composition of any joint committee appointed under this section, the term of office of its members and the area within which committee is to perform its functions shall be determined by the council or councils and local government authorities appointing it.

(3) A joint committee shall not incur any expenditure exceeding the amount allowed by the appointing authority.

[s. 81]

Standing orders  
for committees

**84.**—(1) Subject to this Act and to any subsidiary legislations made under it, a district council appointing a committee, or the authorities establishing a joint committee, may make, vary or revoke and replace standing orders respecting the quorum, proceedings and place of meeting of the committee or joint committee, and subject to those standing orders, a committee or joint committee shall regulate its own procedure.

(2) Standing orders made under this section shall not be inconsistent with the standing orders of a district council made under section 72.

[s. 82]

Proceedings of committees and sub-committees

**85.**—(1) The proceedings of every committee, sub-committee or joint committee of a district council shall, subject to this Act, be regulated in accordance with standing orders made under section 84, subject to the following provisions of this section.

(2) Minutes of the proceedings of a meeting of a committee, joint committee or sub-committee shall include a record of the names of all members present and absent, and shall be drawn up and signed at the same or a subsequent meeting by the person presiding at that meeting, and any minutes so signed shall, in the absence of proof of error, be received in evidence without further proof.

(3) The validity of any act or decision taken at any meeting of a committee, joint committee or sub-committee shall not be affected by any vacancy in its membership or any defect in the appointment of any of the persons attending the meeting.

[s. 83]

Effect of vacancies on committees

**86.**—(1) Subject to subsection (3) of section 85, where a vacancy occurs in any committee, joint committee or sub-committee, it may continue to act notwithstanding the vacancy or vacancies until that vacancy has or those vacancies have been filled by nomination, election or appointment.

(2) This section shall not be construed as rendering unnecessary at any meeting of a committee, joint-committee or sub-committee such quorum as may be provided for by or under this Act or in any standing orders made pursuant to this Act.

(3) For the avoidance of doubt it is hereby declared that no committee, joint committee or sub-committee shall hold

any proceedings at any time while the number of its members present is less than the quorum provided for in respect of it.

[s. 84]

Reports of committees and sub-committees

**87.** Every committee, joint committee or sub-committee appointed under this Part shall report its findings to the council or authority appointing it.

[s. 85]

Public and press

**88.** The proceedings of a committee, joint committee or sub-committee shall not be open to members of the public or the press except in pursuance of a resolution of the district council appointing it or in pursuance of resolutions to that effect of all the councils or authorities concurring to appoint the joint committee.

[s. 86]

Rules

**89.**—(1) Subject to this Act and notwithstanding the provisions for the making of standing orders, the Minister may after consultation with the district councils or a category of them, make rules providing for the convening of meetings, the regulation of the business and proceedings of meetings, prescribing the quorum, and generally providing for the proper and orderly conduct of the business and proceedings at meetings of committees of district councils.

(2) Rules made by the Minister under this section shall apply to meetings of committees of councils *in lieu* of standing orders of committees but shall not be inconsistent with standing orders of the district council concerned.

[s. 87]

Establishment of service board  
Act No.  
6 of 1999 s. 15

**90.**—(1) A district council may for the purpose of discharging its functions establish by instrument published in the *Gazette*, a service board for provisions of services within its area of jurisdiction.

(2) The constitution and tenure of office of a board established under subsection (1) shall be as may be determined

by the Council in the establishment instrument of any other authority.

(3) Every service board shall be accountable to the district council and shall perform such duties and functions as may be specified in the instruments of its establishment.

[s. 88]

### *Meetings and Proceedings of Township Authorities*

#### *A - Provisions Regarding Meetings*

Meetings of township authority

**91.**—(1) A township authority shall, subject to subsections (2) and (3), hold an ordinary meeting for the transaction of its business at least once in every three months and, at a place, on such date and at a time as it shall determine.

(2) The first ordinary meeting of a township authority newly established under this Act shall be held at such time and place as the township executive officer may appoint.

(3) The Chairman may convene a special meeting within twenty-one days, or such lesser period as may be prescribed by the district council, after he receives a written request to that effect signed by not less than one-third of all the members of the township authority and stating clearly the purposes for which the special meeting is requested to be convened.

[s. 89]

Quorum at meetings

**92.** One-half of all the members of a township authority shall constitute a quorum at any ordinary meeting, and the quorum at a special meeting of the council shall be two-thirds of all the members.

[s. 90]

Presiding at meetings

**93.** There shall preside at any meeting of a township authority—

- (a) the Chairman;
- (b) in the absence of the Chairman, the Vice-Chairman; or
- (c) in the absence of both the Chairman and the Vice-Chairman or in the case of inability of both to preside,

such member of the township authority as the members present may elect from amongst the elected members among themselves for the purposes of the meeting concerned.

[s. 91]

Decisions  
of township  
authorities

**94.** All questions proposed for decision at any meeting of a township authority shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes the Chairman or other member presiding shall have a casting vote in addition to his deliberative or original vote.

[s. 92]

Meetings open to  
public

**95.**—(1) Subject to subsection (2), every meeting of a township authority shall be open to the public and the press.

(2) The provisions of subsection (1) shall not apply to any committee, sub-committee or joint committee, or to a committee of the whole township authority.

[s. 93]

Minutes of  
meetings

**96.**—(1) The Secretary shall record and keep details of all business conducted or transacted at all meetings of a township authority in books kept and maintained for that purpose, and the minutes of each meeting shall be read and confirmed, or be read, amended and confirmed, at the next meeting of the Council and be signed by the person presiding at that meeting.

(2) The names of all members of a township authority present, and those of non-members invited to a meeting of the Council shall be recorded in the minutes.

(3) Any minutes purporting to be signed by the person presiding at a meeting of a township authority shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be, the meeting shall be deemed to have been duly convened and held, and all

persons present at the meeting shall be deemed to have been qualified to attend.

[s. 94]

Minutes to be open for inspection

**97.** The minutes of the proceedings of a township authority shall be open for inspection by members at all reasonable times, and by members of the public at such times and under such arrangements as may be sanctioned by the Chairman, and any person may obtain an extract from the minutes upon payment of such fee as may be prescribed by the township authority.

[s. 95]

Validity of acts and proceedings of township authority and officers

**98.** The validity of any act or proceeding of a township authority, its members or of any of its officers shall not be affected by any vacancy amongst the members of the council or by any defect in their election or appointment or that of its officers.

[s. 96]

Invitation to non-members to attend and participate

**99.**—(1) The Chairman of a township authority may in writing invite any person to attend and to speak on any matter or to participate in other way, at any meeting of the council, but any person so invited shall not be entitled to vote at that meeting.

(2) All heads of departments of a township authority shall attend at all meetings of the authority but they shall not be entitled to vote at any of those meetings.

[s. 97]

### *B - Committees of Township Authorities*

Power to establish standing committees  
Act No.  
6 of 1999 s. 16

**100.**—(1) Every township Authority shall establish standing committees for-

- (a) finance, administration and urban planning;
- (b) education, health, and water; and
- (c) economic affairs, works and environment.

(2) A township authority may establish not more than two other standing committees which are necessary or expedient

for the better performance of functions and the efficient management of the affairs and business of the township authority.

(3) The term of office of the members of the committee shall from time to time be determined by the township authority.

(4) A standing committee established under this section may invite such other persons, who are not members of the authority as may deem necessary for the efficient execution of any task undertaken by it.

[s. 98]

Co-option of non-councillors to committees

**101.** Any committee of a township authority may co-opt as members of the committee such number of persons who are not members of the authority as it may deem necessary for the efficient execution of any task undertaken by it.

[s. 99]

Delegation of power to committees

**102.**—(1) Subject to subsection (2), and to such restrictions or conditions as it may deem fit to impose, a township authority may delegate to a committee the power to discharge any function on behalf of the authority.

(2) A township authority shall not delegate to any committee the power—

- (a) to make by-laws;
- (b) to recommend estimates of revenue and expenditure of the township authority to the district council;
- (c) to borrow money; or
- (d) to impose fees and charges.

(3) A township authority may withdraw or alter any delegation to a committee, but no such withdrawal or alteration shall affect anything done in pursuance of any decisions lawfully taken by the committee.

(4) Any function discharged or power exercised by a committee in pursuance of a delegation made to it under this

section shall be deemed to have been discharged or exercised by the township authority.

[s. 100]

Proceedings of committees

**103.**—(1) The proceedings of every committee of a township authority shall, subject to this Act, be regulated in accordance with any directions given in that behalf by the council, subject to the following provisions of this section.

(2) Minutes of the proceedings of a meeting of a committee shall include a record of the names of all members present and absent, and shall be drawn up and signed at the same or a subsequent meeting by the person presiding at that meeting and any minutes so signed shall, in the absence of proof of error, be received in evidence without further proof.

(3) The validity of any act or decision taken at any meeting of a committee of a township authority shall not be affected by any vacancy in its membership or any defect in the appointment of any of the persons attending the meeting.

[s. 101]

Reports of committees

**104.** Every committee appointed under this Part shall report its findings to the township authority.

[s. 102]

Public and press

**105.** The proceedings of a committee shall not be open to members of the public or the press except in pursuance of a resolution to that effect of the township authority appointing it.

[s. 103]

Rules

**106.** Subject to this Act, the Minister may, after consultation with the district council within whose area of jurisdiction a township authority is situate, make rules, to be published in the *Gazette*, regulating the procedure for the conduct of the business of committees under this Part.

[s. 104]

*Meetings of Village Government Organs*

Meetings of  
village assembly

**107.**—(1) There shall be convened a meeting of the village assembly whenever it is necessary to hold elections to constitute a village council or to elect any member of it.

(2) There shall be held an ordinary meeting of the village assembly at least once in every three months.

(3) The village council may, if it considers it necessary or desirable for any reason so to do, convene an extraordinary meeting of the village assembly to discuss and decide upon any matter of extraordinary public importance.

[s. 105]

Meetings of  
village council

**108.** The village council shall meet at such times and places as it may determine, and at such intervals as is necessary or expedient for, or conducive to the effective and efficient management of the affairs and business of the council and the maintenance of good order and government in the village.

[s. 106]

Quorums at  
meetings of  
village councils

**109.** The quorum at any meeting of a village council shall not be less than half of all the members of the council.

[s. 107]

Village council  
may regulate its  
own proceedings

**110.** Subject to this Part, a village council shall regulate its own proceedings and may, for that purpose make by-laws governing its procedure.

[s. 108]

Committees of  
village council

**111.** A village council may establish such permanent committees, and appoint such special committees, as it may deem necessary or expedient for the efficient and effective discharge of its functions.

[s. 109]

Delegation  
of power to  
committees

**112.**—(1) Where a village council establishes any permanent committee it shall provide for the exercise by that committee of any of the functions of the council.

(2) A village council may delegate any of its functions and powers to any of its committees subject, to the council reviewing at regular intervals, the performance and exercise by the committee or committees of the functions and powers delegated pursuant to this section.

[s. 110]

Vacancies not to invalidate proceedings

**113.** It shall be lawful for a village council to act notwithstanding any vacancy in its membership or that of a committee of the council, and no act or 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 its member.

[s. 111]

Rules, directions and delegation

**114.**—(1) The Minister may, after consultation with district councils, make rules for the better carrying out of the purposes and provisions of this Act in relation to local government in villages.

(2) Rules 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.

(3) Where rules are made in relation to any particular village council or any category of village councils it shall not be necessary for the rules to be published in the *Gazette* if copies of those rules are made available to the village council or village councils in respect of which they are made.

(4) The Minister may, if he considers it necessary in the public interest so to do, give to 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 and published in the *Gazette*, delegate any of his functions under this Part to any public officer.

[s. 112]

**PART V**  
**FUNCTIONS AND DUTIES OF LOCAL**  
**GOVERNMENT AUTHORITIES**

*Basic Functions*

General  
functions of local  
government  
authorities  
Act No.  
5 of 2022 s. 83

**115.**—(1) It shall be the responsibility of each local government authority, subject to this Act—

- (a) to maintain and facilitate the maintenance of peace, order and good government within its area of jurisdiction;
- (b) to promote the social welfare and economic well-being of all persons within its area of jurisdiction; and
- (c) subject to the national policy and plans for rural and urban development, to further the social and economic development of its area of jurisdiction.

(2) For the purpose of the better execution of its functions, whether done alone or in co-operation and conjunction with any other local government authority or other person or body of persons, and subject to this Act or any other relevant written law, a local government authority shall take all such measures as in its opinion are necessary, desirable, conducive, or expedient—

- (a) for the suppression of crime, the maintenance of peace and good order and the protection of public and private property lawfully acquired;
- (b) for the control and improvement of agriculture, trade, commerce and industry;
- (c) for the furtherance and enhancement of the health, education, and the social, cultural and recreational life of the people;
- (d) for the relief of poverty and distress, and for the assistance and amelioration of life for the young, the aged and the disabled or infirm; and
- (e) for the development, mobilisation and application of productive forces to the war on poverty, disease and ignorance.

(3) Each district authority shall establish a one-stop centre for co-ordinating, encouraging, promoting and facilitating business within its area of jurisdiction.

(4) The Minister may make regulations for better implementation of the provisions of subsection (3).

[s. 113]

Objective for  
functions  
Act No.  
6 of 1999 s. 17

**116.**—(1) In addition to the functions specified in section 113 it shall be the objective of the local authorities in performing their functions—

- (a) to give effect to the meaningful decentralization in political, financial and administrative matters relating to the functions, powers, responsibilities and services at all levels of local government authorities;
- (b) to promote and ensure democratic participation in, and control of decision-making by the people concerned; and
- (c) to establish and maintain reliable sources of revenue and other resources in order to enable local government authorities to perform their functions effectively and to enhance financial accountability of local government authorities, their members and employees.

(2) In the performance of their functions, local government authorities shall—

- (a) provide their services in an efficient and cost-effective manner and foster co-operation with civic groups and other persons or authorities;
- (b) accord due recognition to, and promote, gender awareness; and
- (c) provide for the protection and proper utilisation of environment for sustainable development.

(3) This Act shall not be construed as prohibiting local government authorities from performing any function which is not the exclusive responsibility of the central government or any other local government authority.

(4) For the purposes of subsection (3), the Minister may from time to time by Order published in the *Gazette*, specify

for local government authorities any matters which are the exclusive responsibility of the central government and those of various levels of the local government authorities.

[s. 114]

Public hearings  
Act No.  
6 of 1999 s. 18

**117.** The Minister may, for the purpose of effective, efficient and participatory running of the affairs of local government authorities, by regulations published in the *Gazette* prescribe the procedure and the manner in which public hearings shall be held in cases whenever a local government authority intends to carry out a scheme of major public interest.

[s. 115]

Minister to make  
regulations  
conferring  
specific functions

**118.**—(1) For the purpose of ensuring the better performance by local government authorities of their general functions in accordance with the objects, purposes and provisions of this Act, the Minister may subject to section 119, make regulations more particularly specifying the powers and duties to be exercised by any local government authority, or by any category of local government authorities, or by all local government authorities.

(2) The Minister may, for the purposes of specifying the powers and duties to be exercised or discharged by any local government authority in pursuance of subsection (1) of this section, provide for or require the local government authority or authorities to exercise or discharge any of the powers and duties specified in the First Schedule.

(3) It shall be the duty of every local government authority in relation to which regulations are made under this section, to exercise the powers and discharge the duties conferred or imposed by the regulations to the best of its ability and resources.

[s. 116]

Performance of  
functions and  
duties under  
other written laws  
Act No.  
15 of 2003 s. 68

**119.**—(1) Where the regulations required or desired to be made in respect of any local government authority in pursuance of

section 118 relate to any service or branch of government for which a Minister other than the Minister responsible, the regulations in question shall be made by that minister after consultation with the Minister.

(2) Where, the regulations are to be made in relation to which consultations are required in accordance with subsection (1), such consultations shall be signified in writing to have been made by the minister other than the Minister and that consent to their promulgation has been procured as such.

(3) Every local government authority shall have power to do any act or thing in relation to any service or matter which is regulated or provided for by or under any written law or laws for which a minister other than the Minister responsible, subject only to compliance by the authority with any administrative directions or legislative procedures issued or prescribed by the Minister or other competent appropriate authority concerned after consultation with, or with the general or specific approval of the Minister.

[s. 117]

Power to acquire land by or for local government authorities

**120.**—(1) A local government authority may, by agreement, and with the prior approval of the Minister, acquire land or right over or to the use of any land, within or outside its area of jurisdiction, for the purposes of any of its functions.

(2) For the purposes of any of its functions under this Act or any other written law, any local government authority may, with the prior approval of the Minister-

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(a) request the President to exercise the powers to acquire land conferred on him under the Land Acquisition Act, in respect of any land whether within or outside the area of its jurisdiction; or

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(b) request the President to exercise the power conferred on him by the Land Act to revoke a right of occupancy in respect of the land concerned.

(3) Where the President agrees to accede to any request made to him under paragraphs (a) or (b) of subsection (2), the purpose in respect of which the local government authority has made the request shall be deemed to be-

- (a) a public purpose for the purposes of the Land Acquisition Act; and
- (b) good cause for the revocation of a right of occupancy within the meaning of the Land Act.

(4) All expenses and compensation incurred in respect of acquisition of any land by the President or the revocation of any right of occupancy under this section shall be paid by the President; the local government authority concerned shall pay to the President such sum as the President may determine, and the rights in the land so acquired shall be granted to that authority on such terms and conditions as the President may determine.

[s. 118]

Power to sell, let and mortgage land and charge rents

**121.** Subject to this Act and to any other written law in force in relation to the acquisition, use and disposition of land, a local government authority may, with the approval of the Minister-

- (a) sell, exchange, let, mortgage or charge any land or premises in its ownership or disposition; and
- (b) charge rent or fees in respect of the occupation, use or hire of any such land or premises.

[s. 119]

Liability of members  
Act No. 6 of 1999 s. 19  
Cap. 16  
Cap. 76

**122.**-(1) Without prejudice to the provisions of the Penal Code or of the Public Officers (Recovery of Debts) Act, no act or thing done, or omitted to be done, by any member of a district council shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member, officer, servant or agent, subject any such person to any action, liability or demand of any kind, subject to subsection (2).

(2) Where in any proceeding a question arises respecting the *bona fides* of any act done in the purported pursuance of the functions of the council, the burden of proving that the act

in question was done *bona fide* shall lie on the person alleging that it was so done.

(3) There shall be freedom of speech and debate in any proceedings of the district authority during meetings and such freedom of speech and debate shall not be liable to be questioned in any court or place outside the meetings of the district authority.

(4) Notwithstanding the provisions of this section, a member of a district authority who exercises the powers conferred on him by this Act in abuse of the authority of his office, commits an offence and may be proceeded against in accordance with section 96 of the Penal Code.

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[s. 120]

### *Functions and Duties of District Councils*

#### *A - General Functions and Powers*

Duty to discharge  
functions

**123.**-(1) It shall be the duty of every district council to discharge the functions conferred upon it as such, and as a local government authority, by this Act or by any other written law, and for that purpose, a district council may, within the limits of the functions so conferred, either by its own officers or by duly appointed agents, do all such things and acts as are lawful and necessary for the performance of its duties.

(2) Save where the contrary is expressly provided for or appears from the context of the function or duty to be permitted or intended, every function conferred upon a district council shall be exercised in respect of all persons within its area of jurisdiction or the category or description of persons within its area of jurisdiction as are concerned in relation to the function in question.

[s. 121]

General functions  
and duties  
Acts Nos.  
6 of 1999 s. 20  
4 of 2021 s. 15

**124.**-(1) In addition to the functions and duties conferred or imposed on local government authorities under section 115, it shall be the function of every district council, in relation to its area of jurisdiction-

- (a) to formulate, co-ordinate and supervise the implementation of all plans for the economic, commercial, industrial and social development in its area of jurisdiction;
  - (b) to monitor and control the performance of the duties and departments of the council and its officers and staff;
  - (c) to ensure the collection and proper utilisation of the revenues of the council;
  - (d) to make by-laws applicable throughout its area of jurisdiction, and to consider and approve by-laws made by village councils within its area of jurisdiction;
  - (e) to consider, regulate and co-ordinate development plans, projects and programmes of villages and township authorities within its area of jurisdiction, so as to ensure the more beneficial development and mobilisation of productive forces in the village and township authorities and their application towards-
    - (i) the enhancement of productivity;
    - (ii) the acceleration of social and economic development of villages, and
    - (iii) the amelioration of rural life;
  - (f) to regulate and monitor the collection and utilisation of revenue of village councils and township authorities;
  - (g) to take all necessary measures to provide for the protection and proper utilisation of the environment for sustainable development; and
  - (h) subject to laws in force, to do all such acts and things as may be done by a people's government at the district level.
- (2) In particular, but without prejudice to the generality of subsection (1), and for the better performance of its functions, every district council shall, in relation to its area of jurisdiction, have power to-
- (a) take all necessary measures for the prevention of soil erosion and the protection of crops;

- (b) prohibit or regulate the cultivation of crops or a category of crops;
- (c) prohibit or regulate the cultivation or possession of poisonous or noxious plants, drugs or poisons;
- (d) prohibit or regulate the use of any agricultural land;
- (e) prescribe steps to be taken by the occupier of any agricultural land for the purposes of maintaining and improving its productivity and preserving the fertility of the soil;
- (f) make provision for the prohibition or regulation of livestock husbandry, and may in that behalf-
  - (i) prohibit or regulate the movement of any livestock in or through any area;
  - (ii) prescribe methods of husbandry in relation to the keeping or grazing of any livestock;
  - (iii) restrict the kinds or numbers of livestock which may be kept on any agricultural land;
  - (iv) require male stock to be castrated and provide for or restrict the cross-fertilization or breeding of livestock; or
  - (v) provide for the licensing, control and destruction of dogs;
- (g) prepare, undertake, regulate and control schemes for improved housing layout and settlement;
- (h) prepare planning schemes and undertake measures required by any law in force relating to development in the area;
  - (i) control the gaining of building minerals such as stone, sand, clay and lime;
  - (j) in exercise of its functions as a local education authority under Part III of the Education Act-
    - (i) build or facilitate the building, equipping, maintenance and management of regional schools and other educational institutions;

- (ii) provide for the grant and maintenance of scholarships or bursaries to suitable inhabitants of the area to attend any school or other educational or training institution within or outside the United Republic;
- (iii) provide for the primary education of children; and
- (iv) provide for the compulsory attendance at schools of pupils enrolled there.
- (k) require adult residents of the area who occupy agricultural land in accordance with customary law to cultivate that land, and other residents to take measures to acquire and cultivate land subject to the by-laws of the council;
- (l) establish, maintain and control fire brigades, and provide for the control of fires;
- (m) provide for or facilitate the licensing or regulation of the activities of persons engaged in, or the premises used for, the manufacture, preparation, handling or sale of articles for use or consumption by man;
- (n) subject to the provisions of this Act or any other written law, establish, preserve, maintain, improve and regulate the use of forests and forest produce;
- (o) prohibit or regulate the hunting, capture, killing or sale of animals or birds or of any specified animal or bird;
- (p) impose requirements as to the sanitation of buildings and the cleanliness of yards or compounds and as to the construction and maintenance of latrines and other sanitary structures;
- (q) prohibit or control the manufacture, possession, sale, transport and consumption of intoxicating liquors;
- (r) fix days and hours during each day of the week on which markets may be held and prohibit the sale and purchase of goods in markets on any day or at any hour except those fixed;

- (s) take all measures for the extermination or control of rats, mice and other vermin;
- (t) regulate and compel the provision, construction, use and repair of privies and receptacles for, solid and liquid refuse;
- (u) prohibit or regulate gambling;
- (v) prohibit or regulate the carrying of weapons by which bodily hurt can be inflicted;
- (w) provide for the control, regulation, inspection, supervision and licensing of-
  - (i) social halls, dance halls and other places of entertainment;
  - (ii) lodging and eating houses; and
  - (iii) any premises in which any trade or business is carried on;
- (x) take measures for the prevention or removal of damage to and for the prevention, removal and disposal of obstruction to roads, streets, thoroughfares and open spaces;
- (y) prohibit or control noxious or offensive trades;
- (z) license, regulate or supervise in any other way such trades and occupations as the Minister may, by notice published in the *Gazette*, prescribe;
  - (aa) prohibit or regulate the removal or protect in any other way against the removal or destruction, of works of art of local origin;
  - (bb) regulate the housing of persons by their employers;
  - (cc) charge fees for any service or facility provided by the council, under this Act; and
  - (dd) prescribe the duties of any person employed by the council or acting as its agents in connection with any of its functions.

(3) Where an agreement provides for special arrangement relating to the implementation of this provision, and the said arrangement has been approved by the Cabinet, the application

of the provisions of paragraphs (w) and (z) of subsection (2) shall not prejudice the implementation of such agreement.

(4) The functions specified in paragraph (x) of subsection (2) shall, in relation to the removal and disposal of obstructions-

(a) include the power to-

(i) recover from the owner of the thing causing the obstruction any expense incurred by the authority in such removal;

(ii) sell or otherwise dispose of the thing causing the obstruction and thereby to extinguish any right or title to it which previously vested in any person; and

(b) be exercised in accordance with the provisions of sections 7 and 114.

(5) Any district council may perform any of the functions specified in the First Schedule.

[s. 122]

Performance  
of functions  
delegated to  
district council  
Act No.  
6 of 1999 s. 21

**125.** Any district council may perform any functions lawfully delegated to it as a local government authority by agreement with a central government or with the district council or other local government authority or body within mainland Tanzania, whether or not it is a body corporate, adhering to conditions laid down in the agreement subject to such terms and conditions as may be agreed upon with the district council which shall include the provision of sufficient resources to enable the council to perform such functions.

[s. 123]

Delegation of  
functions  
Act No.  
6 of 1999 s. 22

**126.**-(1) In addition to the powers of delegation conferred by Part IV of this Act, a district council may with the approval of the township authority, village council or other local government body concerned, delegate with or without restriction any of its functions under this Act to any organisation or body, a township authority, village council or other local government body within its area of jurisdiction specified in the resolution

delegating such functions; but a district council shall not delegate any of its executive or legislative functions in relation to its area of jurisdiction.

(2) Where any functions are delegated under this section, any organisation or body, the township authority, village council or other local government body concerned, as the case may be, to which the delegation is made shall, in the discharge of those functions, act as agents for the district council and perform those functions as directed by the district council.

[s. 124]

Abuse of  
authority by  
Director  
Act No.  
6 of 1999 s. 23  
Cap. 16

**127.** Where a director or officer exercises the powers conferred on him by this Act in abuse of the authority of his office he as well as any other person involved in procuring the Director to exercise powers in abuse of the authority commits an offence and may be proceeded against in accordance with section 96 of the Penal Code.

[s. 125]

### *B - Duties and Discharge of Duties*

Duties of  
Directors in  
respect of  
offences

**128.**—(1) Without prejudice to the generality of section 123, a Director shall:

- (a) on receiving information that any person, being a person in respect of whom the functions of the council are exercisable, has committed an offence for which he may be arrested without a warrant, or a warrant of arrest has been issued in respect of that person, shall cause that person to be arrested and forthwith taken before a magistrate of a court having jurisdiction over that person; and
- (b) on receiving information that a property of any description which has been stolen, whether within or outside the area of the district council, is within that area, shall cause that property to be seized and detained pending the order of the magistrate having jurisdiction in the matter and shall forthwith report the seizure and detention to that magistrate.

(2) For the purpose of any of the powers of arrest conferred by this section, a Director shall have and may exercise and perform all the powers and duties which are by law conferred or imposed upon police officers.

[s. 126]

Duty of persons  
to appear before  
Director

**129.**—(1) Without prejudice to the generality of sections 119 and 123, a Director may require any person in respect of whom the functions of the council are exercisable to appear before him for any of the purposes of this Act, and it shall be the duty of every such person when so directed to attend before the Director.

(2) A person who, when lawfully required to attend before the Director pursuant to subsection (1), without reasonable excuse neglects, refuses or fails to attend and when directed, shall be guilty of an offence against this Act and, without prejudice to any proceedings which may be instituted against him for it, may be arrested by or under order of and taken before the Director.

(3) Any person acting on and in accordance with instructions lawfully given by a Director pursuant to this section shall be deemed to be empowered to do all that may reasonably be necessary to give effect to those instructions.

[s. 127]

Courts

**130.** The courts which shall have jurisdiction in relation to the area of a district council for the purposes of this Act shall be such competent courts as are or may be established by or under the written law relating to the establishment and powers of Magistrates' and other courts of Mainland Tanzania.

[s. 128]

Power to accept  
gifts

**131.** A district council may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area or any part of it, and may execute any works, including works of maintenance and improvement,

incidental or consequential on the exercise of the powers conferred by this section.

[s. 129]

Power to contract  
Act No.  
6 of 1999 s. 24  
Cap.290

**132.**—(1) A district council may enter into a contract with any person in order to perform any of its functions under this Act.

(2) No district council shall enter into any contract of supply of goods or materials, the execution of any works or the provision of any service, without complying with procedure of competitive tendering and other procedures set out in the Local Government Financial Memoranda issued in accordance with the Local Government Finances Act.

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(3) Any contract made by a district council shall be made in accordance with the Local Government Financial Memoranda issued under the Local Government Finances Act, if no provision in the memoranda which relates to the making of contracts, then in accordance with the standing orders or directions of the district council or, as may be appropriate, in accordance with the district council budget.

(4) A person entering into a contract with an authority shall not be bound to enquire whether the entering by the council into the intended contract complies with the standing orders of the council or with the directives of the authorities and all contracts so entered into by a district council shall if otherwise valid be valid, notwithstanding the standing orders or directions of the Minister not having been complied with.

[s. 130]

Power to insure

**133.** A district council may insure against risks of any type.

[s. 131]

Power to write  
off arrears of  
revenue, cash and  
stores  
Acts No.  
6 of 1999 s. 25

**134.**—(1) Subject to subsection (2), a district council may, by resolution authorise the writing off as an irrecoverable debt in regard to which no further proceedings need be taken, of any sum due or payable to the council from or by any person on

the grounds of poverty of that person or for other sufficient cause.

(2) A sum shall not be written off by a district council as an irrecoverable debt without the prior approval of the Regional Commissioner, if it exceeds in any one case such amount as may be prescribed by the Regional Commissioner in respect of that council or if by so writing it off, the total sum written off by that council in that financial year would exceed such amount as may be prescribed by the Regional Commissioner in respect of that district council.

(3) Subject to subsection (4), a district council may, by resolution, authorise the writing off of deficiencies of cash or stores.

(4) A deficiency shall not be written off by any council without the prior approval of the Regional Commissioner if it exceeds in value any amount which may be prescribed by the Regional Commissioner for that council or if, by so writing it off, the total value of the deficiencies written off by that council in that financial year would exceed any amount which may be prescribed by the Regional Commissioner in respect of that council.

(5) Notwithstanding the provisions of this section, if the council is aggrieved by any of the decisions made by the Regional Commissioner under this section it may appeal to the Minister whose decision in the matter shall be final.

[s. 132]

Power to charge  
fees

**135.**—(1) Subject to this Act and to any other written law, a district council may charge fees for any service or facility provided by it or for any licence or permit issued by the council under the provisions of this Act or any rules or by-laws made by the council under this Act.

(2) A district council may for good cause authorise the remission of any fees or other charges imposed under the

provisions of this Act or any rules or by-laws made by or in respect of the council under this Act.

[s. 133]

Power to enforce performance of functions

**136.** The Minister shall have power to take all measures which in his opinion are necessary, desirable or expedient for the enforcement of the performance by every district council of the functions conferred and the duties imposed on it by or under this Act; and may for that purpose invoke any of the powers vested in him by the provisions of Part VII, subject to the other provisions of this Act or any other written law.

[s. 134]

Inquiries relating to performance of functions

**137.**—(1) Notwithstanding the generality of the powers conferred on the Minister by section 136, he shall, before taking any measure which is punitive or censorial in nature against a district council or any member or officer of it as a consequence upon the failing or being caused to fail to satisfactorily perform its functions under this Act, cause an inquiry to be conducted into the matter.

(2) Without prejudice to the generality of the discretion of the Minister in the exercise of his power under this section, the Minister shall order an inquiry to be conducted into the affairs of a district council before taking any measure of the nature referred to in subsection (1)-

- (a) where a new scheme proposed by a district council and requiring the approval of the Minister arouses serious local opposition or administrative doubts;
- (b) where the Minister is not fully convinced that a district council is conducting all its affairs satisfactorily;
- (c) where it is necessary that muted disputes or dissatisfaction about local administration be properly and fully aired; and
- (d) where it is proposed that changes be made in the boundaries of a district council or councils or any area within its jurisdiction, so as to satisfy himself that there

is among the inhabitants of and resident in the area concerned a general wish, or concurrence in the proposal, that the intended boundary variations be effected.

(3) For the purposes of an inquiry ordered to be made under this section, the Minister may appoint a person or a committee of persons to conduct the inquiry and to report to him the findings of their inquiry; and any such person or committee of persons shall have and exercise such powers and enjoy all rights which are vested in a commission of inquiry constituted under the provisions of the Commissions of Inquiry Act.

[s. 135]

Cap. 32

### *Functions and Duties of Township Authorities*

Duty to discharge functions

**138.**—(1) It shall be the duty of every township authority to discharge the functions conferred upon it as such, and as a local government authority, by this Act or by any other written law, and for that purpose, a township authority may, within the limits of the functions so conferred, either by its own officers or by duly appointed agents, do all such things and acts as are lawful and necessary for the performance of its duties.

(2) Save where the contrary is expressly provided for or appears from the context of the function or duty to be permitted or intended, every function conferred upon a township authority shall be exercised in respect of all persons within its area of jurisdiction or the category or description of persons within its area of jurisdiction as are concerned in relation to the function in question.

[s. 136]

General functions and duties

**139.**—(1) In addition to the basic functions and duties conferred or imposed on local government authorities under this Part, and subject to subsection (2) and (3), a township authority may exercise all or any of the functions specified in the Second Schedule to this Act in relation to its area of jurisdiction.

(2) The Minister may, in relation to any particular township authority, by order published in the *Gazette*, exclude or restrict the exercise of any of the functions specified under subsection (1).

(3) The Minister may, by order published in the *Gazette*, supplement, revoke, vary or amend the Second Schedule.

[s. 137]

Performance of functions delegated to township authority

**140.** Any township authority may perform any functions lawfully delegated to it by a district council, or act as agent for another township authority or other local government authority or body within Mainland Tanzania, whether or not it is a body corporate.

[s. 138]

Power to accept gifts

**141.** Any township authority may accept, hold and administer any gift or property for any public purpose, or the benefit of the inhabitants of the area or any part of it, and may execute any works, including works of maintenance and improvement, incidental to or consequential upon the exercise of the powers conferred by this section.

[s. 139]

Power to contract  
Act No.  
6 of 1999 s. 26

**142.**—(1) Subject to subsection (2), a township authority may enter into any contract which is necessary for the discharge of any of its functions.

(2) A township authority shall not enter into any contract for the supply of goods or materials or the execution of any works or the provision of any services, without complying with the procedure for competitive tendering and other procedures set out in the Local Government Financial Memorandum issued in accordance with the Local Government Finances Act.

(3) Any contract made by a township authority shall be made in accordance with the standing orders of that authority or, if no such standing orders exist or no provision in them relates to the making of contracts, in accordance with the directions of the Minister.

Cap. 290

(4) A person entering into a contract with a township authority shall not be bound to enquire whether the entering by the council to the intended contract complies with the standing orders of the township authority and all contracts entered into by a township authority if otherwise valid, shall have full force and effect in relation to the obligations of the authority under them, notwithstanding the standing orders or directions not having been complied with.

[s. 140]

Power to insure **143.** A township authority may insure against risks of any type.

[s. 141]

Power to write off arrears of revenue, cash and stores  
Act No.  
6 of 1999 s. 27

**144.** Subject to such general or specific limitations or conditions as the district council may by order published in *Gazette*, local newspaper or a notice posted at a notice board, specify in relation to any township authority or category of township authorities, section 134 shall apply *mutatis mutandis* to township authorities in respect of the power to write off arrears of revenue cash and stores as if references to a district council in that section were references to a township authority.

[s. 142]

Power to charge fees

**145.**—(1) Subject to this Act and to any other relevant written law, a township authority may charge fees for any service or facility provided by it or for any licence or permit issued by the council under this Act or any rules or by-laws made under it by or in respect of the council.

(2) A township authority may for good cause authorise the remission of any fees or other charges imposed under this Act or any rules or by-laws made by or in respect of the council under this Act.

[s. 143]

Power to enforce discharge of functions and duties

**146.** Section 136 shall apply, *mutatis mutandis*, to township authorities in respect of the power of the Minister to enforce the performance by township authorities of their functions, as

if reference in that section district council were reference to a township authority.

[s. 144]

Inquiries into performance of functions and duties

**147.** The Minister shall have in respect of inquiries into the performance of functions and other matters in relation to township authorities the same duty and the same powers as he has in relation to district councils under section 137.

[s. 145]

### *Functions of Village Government Organs*

Role of village assembly on matters related to elections  
Act No. 17 of 2009 s. 7

**148.** A village assembly shall be the supreme authority on all matter of general policy-making in relation to the affairs of the village, except election related matters which shall be dealt with in accordance with regulations made by the Minister.

(2) Removal of any member or all members of the village council shall be done in accordance to the regulations made by the Minister.

(3) For better performance of all functions or any other matter in the village, other than elections, the village assembly shall perform such functions or any other matter in accordance with the provisions of this Act or any other written laws.

[s. 146]

Functions of village council

**149.**—(1) A village council is the organ in which is vested all executive power in respect of all the affairs and business of a village.

(2) In addition to any functions conferred upon it by or under this Act or any other written law, a village council shall-

- (a) do all such acts and things as are necessary or expedient for the economic and social development of the village;
- (b) initiate and undertake any task, venture or enterprise designed to ensure the welfare and well being of the residents of the village;
- (c) 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 of any kind;

- (d) encourage the residents of the village in undertaking and participating in communal enterprises; and
- (e) to participate, by way of partnership or any other way, in economic enterprises with other village councils.

(3) For the purposes of this Part, 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.

[s. 147]

Repealed **150–153.** [Repealed by Act No. 6 of 1999 s. 28.]

[ss. 148-151]

## PART VI LEGISLATIVE POWERS OF LOCAL GOVERNMENT AUTHORITIES

### *Legislative Powers of and in respect of District Councils*

Powers of  
Minister to make  
uniform by-  
laws for district  
councils

**154.** Where in the opinion of the Minister, it is necessary or desirable, for the purposes of the better development and fostering of the system of local government, that-

- (a) a certain by-law not involving any local variation be made by or in respect of all district councils;
- (b) uniform by-laws respecting a specified subject or subjects are needed for all councils or all councils of a certain category,

he may make the required by-law or by-laws which shall come into operation after publication in the *Gazette*.

[s. 152]

Power of district  
council to make  
by-laws for  
district council

**155.**—(1) Every district council may, subject to this Act and to any other relevant written law, and subject to the consent of the Minister, make by-laws designed-

- (a) to promote and secure the good rule and orderly government of its area of jurisdiction;
- (b) to foster and maintain the health, safety and well-being of the inhabitants of its area of jurisdiction; and
- (c) for carrying into effect and for the purposes of any of the functions conferred by or under this Act or any other written law.

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(2) Any by-law made by a district council under the provisions of this section shall be read and construed subject to this Act and to the provisions of the Interpretation of Laws Act and of any other relevant written law, and nothing in this Act shall be deemed to empower any district council to make any by-law over-riding or derogating from the provisions of any other written law in force in the United Republic.

(3) By-laws made under the provisions of this section may be made to apply to the whole of the area of jurisdiction of a district council or any part of it, and the power to make by-laws conferred by this section shall include power to make different by-laws in respect of different parts of the area of jurisdiction of a district council.

[s. 153]

Repealed

**156.** [Repealed by Act No. 13 of 2006 s.8.]

[s. 154]

Procedure where  
District Council  
makes by-laws  
Act No.  
6 of 1999 s. 29

**157.**—(1) Subject to the following provisions of this section, where a district council proposes to make any by-laws, give notice to the inhabitants of the area of its intention, in such manner as may most probably ensure that the notice shall come to the notice of all persons likely to be affected by the by-laws proposed, and calling upon all interested persons within the area to lodge any objections or representations in writing with the council within such time as may be prescribed.

(2) Where, upon the expiration of the notice, no objections or representations are received, or no person raising an

objection satisfies the council that there is no need for the by-laws proposed, the district council shall proceed to make the by-laws, taking into account any other kind of objections or representations made.

(3) After the by-laws have been made by a district council they shall be lodged with the Regional Commissioner in the region in which the council is situated for comments by him; and the Regional Commissioner shall, as soon as practicable, submit the by-laws to the Minister for his approval.

(4) The Minister may consent, or give or withhold his consent on such conditions as he may specify, to any by-laws submitted to him and may, upon the date of giving his consent, fix the date for the coming into operation of those by-laws.

(5) The Minister may, before approving any by-law which affects a reserve or specific area or any other enacted law, consult the Minister responsible for the relevant law or matter as the case may be.

[s. 155]

Evidence of by-laws made by district council Act No. 6 of 1999 s. 30

**158.**—(1) Subject to subsection (2), a copy of a by-law purporting to be made by a district council upon which is endorsed a certificate purporting to be signed by the Chairman or other officer of the council in that behalf, stating that—

(a) the by-law was made and published by the district council in the manner required by this Act;

(b) the copy is a true copy of the by-law; and

(c) on a specified date the by-law was duly approved by the Minister, Regional Commissioner or local government authority and came into operation on a specified date,

shall be admitted in evidence in any court without further proof, and the certificate shall be evidence of the facts stated in it without further proof, and without proof of the handwriting or official position of the persons purporting to sign the certificate.

(2) The provisions of this section shall not be construed as derogating from any provisions of the Evidence Act, operating

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to permit a court to take cognizance of any by-law without its due making being established by evidence.

(3) A district council may, in the by-laws it makes, annex to the breach of any by-law or any order made under it such fine, not exceeding three hundred thousand shillings or such term of imprisonment not exceeding twelve months or both as it may deem fit and may, subject to the preceding limitations, annex different fines and different terms of imprisonment for successive or continuous breaches of any by-law.

[s. 156]

By-laws may  
impose special  
conditions

**159.**-(1) Any by-laws made under this Part may prescribe reasonable fees, charges and tariffs in relation to any act to be done, or any licence, permit or other instrument or document granted or issued under them, and may require acts or things to be performed or done to the satisfaction of a prescribed person, and may empower a prescribed person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which, such acts or things shall be performed or done or the conditions shall be fulfilled.

(2) Any by-law made under this Act may confer upon a district council or other authority and its officers and servants, such powers of inspection, inquiry and execution of works as may be reasonably necessary for the proper carrying out of its enforcement.

(3) Where any person is convicted of failing to comply with, or contravening, any conditions subject to which a licence or permit has been granted to him under the provisions of any by-law made under the provisions of this Act, the court may, in addition to, or in substitution for, any penalty prescribed by that by-law, cancel the licence or permit in respect of which the offence has been committed.

[s. 157]

Penalties for  
breaches of by-  
laws  
Act No.  
6 of 1999 s. 31

**160.**—(1) A by-law may provide that in addition to any penalty, any expense incurred by the district council in consequence of any breach of that by-law or in the execution of any work directed by that by-law to be executed shall be paid by the person committing the breach or failing to execute the work and may be recoverable summarily as a civil debt.

(2) The Director may where he is satisfied that any person has committed an offence under any by-laws made under this Act, by order under his hand compound such offence by requiring such person to make payment of a sum of money:

Provided that-

- (a) such sum of money shall not be more than the maximum fine provided for such offence and the whole of the amount of any levy or penalty due from such person;
- (b) the power conferred by this subsection shall only be exercised where the person admits in writing that he has committed the offence; and
- (c) the Director shall give to the person from whom he receives such sum of money a receipt thereof.

[s. 158]

Power of  
Divisional and  
Ward Secretaries  
to enforce by-laws

**161.** Every Divisional Secretary and every Ward Secretary shall have power to enforce all by-laws within the area under his jurisdiction.

[s. 159]

*Legislative Powers of and in respect of Township Authorities*

Power of  
township  
authority to make  
by-laws

**162.**—(1) Every township authority may, subject to this Act and to any other relevant written law, and subject to the approval of the district council in whose area of jurisdiction it is situated, make by-laws for the carrying into effect and for the purposes of any function conferred on it by virtue of this Act or any other written law.

(2) Any by-law made by a township authority under this section shall be read and construed subject to this Act and to

any other written law, and nothing in this Act shall be deemed to empower any township authority to make any by-law overriding or derogating from the provisions of any other written law in force in the area, or inconsistent with any by-laws made by a district council and in force in relation to that township authority.

(3) By-laws made under this section may be made to apply to the whole of the area of jurisdiction of a township authority or any part of it, and the power to make by-laws conferred by this section shall include power to make different by-laws in respect of different parts of the area of jurisdiction of a township authority.

[s. 160]

Procedure  
where township  
authority makes  
by-laws

**163.**—(1) Subject to the following provisions of this section, where a township authority proposes to make any by-laws it shall, at least two weeks before the meeting of the authority, at which it is proposed to consider the by-laws, give notice to the inhabitants of the area of its jurisdiction of its intention, in such manner as may most probably bring the notice to the attention of all persons likely to be affected by by-laws, indicating the precise purport of the by-laws proposed, and calling upon all interested persons within the area to lodge any objections or representations in writing with the council within such time as may be prescribed.

(2) Where, upon the expiration of the notice, or not less than three clear days before the authority meeting at which it is intended to consider the proposed by-laws, no objections or representations are received, or no person raising an objection satisfies the authority that there is no need for the by-laws to be made, the council shall proceed to make the by-laws proposed, taking into account any other kind of objections or representations made.

(3) After the by-laws have been made by a township authority they shall be lodged with the district council in which

the township authority is situated for approval or comment by it; and the district council shall as soon as practicable approve or comment upon the by-laws and then submit them to the Regional Commissioner for his consent.

(4) The Regional Commissioner may consent, or give or withhold his consent on such conditions as he may specify, to any by-laws submitted to him and may, upon the date of giving his consent, fix the date for the coming into operation of those by-laws.

[s. 161]

Power of Minister to make uniform by-laws

**164.** Where in the opinion of the Minister, it is necessary or desirable for the purposes of the better development and fostering of the system of local government in township authorities that-

- (a) a certain by-law not involving any local variation be made by or in respect of all township authorities;
- (b) uniform by-laws respecting a specific subject or specific subjects are needed for all authorities of a certain category,

he may, subject to section 165, make the required by-laws which shall come into operation upon publication in the *Gazette* or on such date as may be specified in the by-laws.

[s. 162]

Procedure where Minister makes uniform by-laws

**165.**-(1) By-laws shall not be made by the Minister pursuant to section 164 unless and until the provisions of this section have been complied with.

(2) Where the Minister proposes to invoke the power conferred by section 164 to make uniform by-laws in respect of all or a category of township authorities, he shall, at least two months before making the by-laws by notice published in the *Gazette* and in any national newspaper or, any newspaper circulating in the area of the township authorities or category of township authorities in respect of which the by-laws are proposed to be made, give notice of his intention, indicating the precise purport of the intended by-laws, and shall call upon all

interested township authorities affected, and persons within the area of jurisdiction of those township authorities, to lodge any objections in writing with him in such manner and within such time as may be prescribed; and a township authority may request that it be permitted to appear and be heard by the Minister.

(3) A township authority which lodges an objection pursuant to subsection (2) shall, on request made to the Minister, be entitled to appear, by representatives, before the Minister and make representations further clarifying its objections and the by-law shall not be made if its objection is upheld or until after the reasons for the rejection of any of its objections have been furnished in writing to the township authority or its representative.

(4) Where, upon the expiration of the notice, no objections or representations have been received from any township authority or any authority in the category of the township authority concerned, or no township authority raising an objection satisfies the Minister that special provision should be made for the authority in the proposed by-laws or that it should be excluded from their application or any of their provisions, the Minister shall proceed to make the by-laws as intended, which shall come into operation upon publication in the *Gazette* or on a date specified in the by-laws.

[s. 163]

By-laws may  
impose special  
conditions

**166.**—(1) Any by-law made under this Part may prescribe reasonable fee, charges and tariffs in relation to any act to be done or any licence, permit or other instrument or document to be granted or issued under them, and may require acts or things to be performed or done to the satisfaction of a prescribed person, and may empower a prescribed person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which such acts or things shall be performed or done or the conditions shall be fulfilled.

(2) Any by-law made under this Act may confer upon a township authority or other authority, and its officers and servants, such powers of inspection, inquiry and execution of works as may be reasonably necessary for the proper enforcement of that by-law.

[s. 164]

Evidence of by-laws made by township authority

**167.**—(1) Subject to subsection (2), a copy of a by-law purporting to be made by a township authority upon which is endorsed a certificate purporting to be signed by the Chairman or other officer of the council authorised by the township authority in that behalf, stating—

- (a) that the by-law was made and published by the township authority in the manner required by this Act;
- (b) that the copy is a true copy of the by-laws;
- (c) that on a specified date the by-law was duly approved by the district council and came into operation on a specified date,

shall be admitted in evidence in any court without further proof, and the certificate shall be evidence of the facts stated in it without further proof, and without proof of the handwriting or official position of the person purporting to sign the certificate.

(2) This section shall not be construed as derogating from any provisions of the Evidence Act, operating to permit a court to take cognizance of any by-law without its due making being established by production of evidence.

[s. 165]

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Copy of by-laws to be deposited at offices of township authority

**168.**—(1) A copy of every by-law made in accordance with this Part shall be kept at the offices of the township authority by whom it was made or, as the case may be, in relation to which it is applicable, and shall at all reasonable times be open to inspection by the public free of charge, and a copy of it may be furnished, on application, to any person affected by it on payment of such sum as the township authority may determine.

(2) A township authority shall send a copy of every by-law made by it to every authority exercising jurisdiction in the area of the township and to every township ward committee to which the by-law applies.

(3) An authority or township ward committee which receives a copy of a by-law under this section shall deposit it at its offices and the copy so deposited shall be open to inspection by the public free of charge.

[s. 166]

Penalties for breach of by-laws

**169.** Section 160, which relates to penalties annexable to the breach of by-laws made by a district council, shall apply, *mutatis mutandis*, to by-laws made by township councils as if references to a district council in that section were references to township council.

[s. 167]

#### *Legislative Powers of and in respect of Village Councils*

Power of village council to make village by-laws

**170.** Subject to section 171, and to the provisions of regulations, directions and delegations made by the Minister pursuant to section 114, a village council may make by-laws for carrying into effect or for the purposes of any of the functions conferred by this Act.

[s. 168]

Procedure for making by-laws  
Act No.  
6 of 1999 s. 32

**171.**—(1) Where a village council proposes to make by-laws it shall convene a meeting of the village assembly and cause the proposals to be considered, and it shall then, at a meeting of its own, consider the proposed by-laws and pass them with or without amendments, account being taken of the view taken by the inhabitants of the village of the proposals at the meeting of the village assembly; and shall then submit the by-laws, together with the minutes of the meeting of the village assembly which considered the proposals, the district council in whose area of jurisdiction the village is situated for approval.

(2) Where a district council to which village by-laws are submitted for approval approves them, the by-laws shall thereby be made and shall come into operation on a date agreed upon by the district council upon the recommendation of the village council concerned.

(3) A by-law made by a village council under this section shall be in accordance with this Act and shall not contravene any written law and nothing in this Act shall be deemed to empower any village council to make any by-law which is inconsistent with any by-laws made by a district or other local government organ above the village council for the time being in force in relation to that Village Council.

[s. 169]

Power of Minister  
in respect of  
village council

**172.** The Minister shall exercise in respect of legislation for villages the same powers he has under this Act to make uniform by-laws in respect of district councils and township authorities, and he shall comply with the same procedure in respect of uniform village by-laws as he is required to do in the case of the other local government authorities, save that, in the case of proposals by the Minister to make any uniform by-laws in respect of villages or a category of villages, the notice of his intention shall be given to a district council and it shall be the district council which may lodge objections or representations to the Minister on behalf of the village or category of villages concerned.

[s. 170]

Evidence of by-  
laws made by  
village council

**173.** Whenever it becomes necessary to prove the authenticity, and validity of any by-law made by a village council, a certificate by the village secretary under his hand and official seal of the village council to the effect that the by-law was passed and approved by the appropriate authority as required by the provisions of this Part shall be conclusive evidence of the authenticity and validity of the by-law or by-laws in question.

[s. 171]

Penalties for  
breach of by-laws  
Act No.  
6 of 1999 s.33

**174.**-(1) Any by-law, made by or in respect of a village council for any village, may annex to the breach of the by-law such fine not exceeding fifty thousand shillings as the authority making the by-laws may determine.

(2) A penalty of imprisonment for any term shall not be annexed to any breach of any by-law made by or in respect of a village.

(3) Penalties to be affixed to a breach of village by-laws may, apart from a fine, include such measures as may be deemed to be most fitting to be exemplary or deterrent to potential wrongdoers, to ensure the actual redress of the wrong done by the person concerned and to restore balance in the social equilibrium previously disturbed as a result of the offensive act concerned.

[s. 172]

## PART VII

### PROVISIONS REGARDING RELATIONSHIP BETWEEN LOCAL AND CENTRAL GOVERNMENT ORGANS AND OFFICERS

Discharge of duty  
under section 4

**175.** For the purposes of discharging the responsibility in relation to local government imposed on him by section 4, the Minister may, in addition to all other powers conferred on him by or under this Act-

- (a) subject to the provisions of any written law in that behalf and with the prior approval of the President cause modifications to be made in the development plans of any person or body of persons engaged in activities connected with or affecting the development and growth of local government authorities;
- (b) seek and secure modifications in the educational or training and development plans of any institution so as to facilitate the proper education and training of manpower for the staffing of local government institutions; and

- (c) subject to this Act and to any other written law in that behalf, do any other act or thing which in his opinion is designed to or may further the promotion of efficient and democratic local government, having regard at all times to the national interests and the interests of the people of the United Republic.

[s. 173]

Power of Minister to transfer functions

**176.** Subject to the following provisions of this Part, where the Minister is satisfied, after due inquiry under this Act, that a local government is unable or has failed to exercise a particular function or all functions conferred upon it by or under this Act, he may transfer the power to perform that or those functions to such other person or body of persons as he may, by order published in the *Gazette*, specify.

[s. 174]

Expenses in respect of transferred functions

**177.** Where any of the functions of a local government authority are transferred to any person or body of persons under this Part, the expenses incurred by that person or body of persons in discharging those functions shall be a debt due from authority in default to that person or, as the case may be, that body of persons.

[s. 175]

Code of conduct Act No. 6 of 1999 s. 34

**178.**—(1) The Minister may make regulations prescribing the code of conduct for councillors of a local government authority.

(2) Regulations made under subsection (1) shall be published in the *Gazette*.

[s. 176]

Power to dissolve authority prematurely Act No. 14 of 1999 Sch.

**179.**—(1) Where, after due enquiry, the Minister is satisfied that any local government authority has made default in the performance of any functions conferred or imposed upon it by or under this Act or any written law in force, he may make an order, to be published in the *Gazette*, declaring the authority to be in default and may, by the same or any other order-

- (a) for the purpose of removing the default, direct the authority to perform such of its functions in such manner and within such time or times as may be specified in the order; or
- (b) transfer to such person or body of persons as he may deem fit such of the functions of the authority in default as may be specified in the order.

(2) Where an authority in respect of which an order has been made under subsection (1)(a) fails to comply with any requirement of the order within the time or times specified for the requirement to be complied with, the Minister may make an order under subsection (1)(b).

(3) Where an order made under subsection (1)(a) involves default in the performance of many or a majority of, or the basic functions of the authority, the Minister may, by the same or a subsequent order, dissolve or suspend the authority for such time as he may think fit from the performance of its functions as may be specified in the order and, where he dissolves the authority he shall refer the matter to the Electoral Commission for preparation of elections to constitute a new authority, or nomination for re-election.

(4) An order made under this section shall be laid before the National Assembly at its next meeting following the making of the order.

(5) A person or body of persons to whom any of the functions of a local government authority are transferred under this section shall, when performing the functions and in respect of them, be deemed to be that authority for the purposes of this Act, and when so acting shall have all the powers and immunities of that authority including the power of affixing its official seal.

[s. 177]

Power to dissolve  
councils in  
default

**180.**—(1) Without prejudice to the powers conferred upon him by the preceding provisions of this Part, where the Minister is satisfied that any local government authority has

failed to comply with any of the provisions of this Act or any other written law, or has conducted its affairs in a manner incompatible with any of the provisions of this Act or any other written law, whether or not such failure or such conduct amounts to default by the authority in the performance of any function conferred or imposed upon the authority by or under this Act or any other written law, he may, by order published in the *Gazette* dissolve the authority, and may, by the same or a subsequent order, transfer to such person or body of persons as he may think fit all or any of the functions of the authority so dissolved.

(2) A person or body of persons to whom any of the functions of a local government authority have been transferred under subsection (1) shall, when performing those functions and in respect of them be deemed to be that of the authority for the purposes of this Act and when so acting shall have all the powers and immunities of that authority, including the power of affixing its official seal.

(3) An order made under this section dissolving a local government authority shall not have effect so as to invalidate any act, matter or thing validly done or omitted to be done by the authority or by any person or body of persons on its behalf, and every licence, registration or permit lawfully issued, made or granted by the authority or by any person or body of persons on its behalf, and still in force on the date of dissolution of the authority shall continue in force for the period specified in the licence, registration or permit unless it is sooner lawfully surrendered, forfeited, suspended, revoked or cancelled.

[s. 178]

Power to dissolve  
councils pending  
general elections  
Act No.  
17 of 2010 s. 35

**181.**—(1) Without prejudice to the powers of the Minister to dissolve councils provided under sections 179 and 180, the Minister shall have power to dissolve councils at the end of tenure of the council by notice published in the *Gazette* seven days before the President dissolves the Parliament in the year to which general elections are to be held.

(2) Following the dissolution of the council under subsection (1), the affairs of the council shall be under the Director as a Chairman while all heads of department shall be members of the committees.

(3) In the exercise of their powers under this section the Director shall not introduce new projects or investments and shall not be allowed to change or alter any projects or investments approved by the councils prior to dissolution.

[s. 178A]

Delegation  
of powers of  
Minister

**182.**—(1) The Minister may, by notice published in the *Gazette*, depute any person by name or by office to exercise or perform on his behalf, subject to such conditions, exceptions and qualifications as may be specified in the notice, any of the powers and duties conferred upon him with respect to local government authorities which he may specify, other than the power conferred by section 4, the power to establish authorities, the power to make any rules or regulations, and give directions to authorities, and the power to dissolve authorities, and upon such delegation or from the date specified in those powers and perform the duties, subject to the said conditions, exceptions or qualifications.

(2) The Minister may similarly revoke any such notice, and may exercise any powers or perform any duties conferred upon him by this Act notwithstanding the delegation by him of those powers or duties.

[s. 179]

Supply of  
information  
Act No.  
13 of 2006 s. 9  
Cap. 97

**183.**—(1) It shall be the duty of every district authority to furnish the Minister with such information as he may require in relation to his functions under this Act.

(2) The District authority shall have the duty to prepare and submit quarterly to the District Commissioner a progress report of its implementation of development plans or such other information as may be required by the Regional

Commissioner in relation to his functions under the Regional Administration Act.

[s. 180]

**PART VIII<sup>1</sup>**  
**FUNCTIONS OF THE CENTRAL GOVERNMENT**  
**IN RELATION TO LOCAL GOVERNMENT**

Relations  
with central  
government  
Act No.  
13 of 2006 s. 10

**184.**—(1) In relation to the powers and functions of district authorities conferred by this Act, the central government shall—

- (a) facilitate the exercise of those powers and the discharge of those functions in a manner that gives due recognition to the autonomy of local government authorities;
- (b) formulate a national policy and regulatory framework for the local government system;
- (c) co-ordinate and monitor the performance of local government authorities for compliance with national policies, guidelines and standards;
- (d) develop policies and provide for regulatory framework to ensure that the district councils lead other development agencies in their areas of their jurisdiction in the proper execution and implementation of those policies;
- (e) provide the necessary technical support or assistance to district councils for the development of respective sectors in the districts;
- (f) assist in work for the implementation of decisions and resolutions of district councils which affect the development of their respective sectors;
- (g) provide and secure enabling environment for successful performance of the duties of the district authority;

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<sup>1</sup> Amended by Act No. 6 of 1999 s. 35.

- (h) ensure compliance by all persons and district authorities with appropriate government decisions, guidelines in relation to the promotion of the local government system;
  - (i) do such things and acts as shall facilitate or secure the effective, efficient and lawful execution by the district authorities of their statutory or incidental duties,
- and central government shall have due regard to the need to recognise and enhance the role of local government authorities in the provision of services and supervision of development activities within their respective areas.

(2) Sector Ministries shall, in relation to local authorities, perform the following functions:

- (a) to supervise professionalism of personnel relating to the particular sector in the local government authorities;
- (b) to ensure quality assurance in the performance of the functions of technical personnel relating to the sector in local government authorities;
- (c) to undertake monitoring and evaluation of the technical personnel's performance of their functions;
- (d) to ensure all posts as required by establishment of a particular profession are filled;
- (e) to ensure human resources development; and
- (f) to ensure availability of equipment, human resources and funds for implementation of sectoral programmes in the local government.

[s. 181]

**PART IX**  
**LEGAL PROCEEDINGS, NOTICES, REPEALS**  
**AND CONSEQUENTIAL PROVISIONS<sup>2</sup>**

*Legal Proceedings and Notices*

Offences **185.** Where any matter or thing is directed or prohibited to be done by or under this Act, or where any authority is given by this Act to any person to direct or prohibit any thing or matter to be done, then if the act or thing directed to be done remains undone or if the prohibited act or thing is done, every person offending against the direction or prohibition shall in every such case be guilty of an offence against this Act or, as the case may be, the subsidiary legislation made under it.

[s. 182]

Powers of entry **186.** Subject to this Act, any officer or employee of a local government authority duly authorised in writing in that behalf, may at all reasonable times enter into or upon any land, building, premises or vessel within the area of the authority for the purposes of carrying out any inspection, inquiry or the execution of works under the provisions of this Act or any by-law, regulation, rule or order made by or for the authority.

[s. 183]

Powers of arrest **187.**—(1) Subject to subsection (3), any police officer may arrest without warrant any person who commits any offence against this Act or any by-law or other subsidiary legislation made under it and any Director, Township Executive Officer, Divisional Secretary or Ward Secretary may arrest without warrant any person who commits an offence against by-law made by a district council.

(2) Subject to the provisions of subsection (3), any officer or employee of a local government authority, in uniform

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<sup>2</sup> Amended by Act No. 4 of 2005 s. 31.

and authorised in writing for the purpose by the District Commissioner, may arrest without warrant any person who in his presence commits any offence against any by-law of a district or township council under this Act, and may, subject to the directions of the District Commissioner in question, detain that person for such time as may be reasonably necessary to deliver him before a court to be dealt with according to law.

(3) The powers conferred by subsections (1) and (2) shall only be exercised if the person proposing to arrest or detain any person has reasonable grounds for believing that that person will not attend a court in response to any process issued against him.

[s. 184]

Offence to obstruct

**188.** A person who-

- (a) wilfully obstructs any member of a local government authority or any of its officers or employees in the execution of his duty;
- (b) being the occupier of any premises, prevents the owner of the premises, his agent or the person for the time being receiving rent for the premises from complying with any of the requirements of the authority;
- (c) being the occupier of any premises, on demand refuses or wilfully omits to disclose or wilfully mis-states the name of the owner of the premises, his agent or the person for the time being receiving rent for the premises,

commits an offence and on conviction is liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both.

[s. 185]

Penalty for unqualified person sitting or voting  
Act No.  
6 of 1999 s. 36

**189.**-(1) A person who-

- (a) having been elected or appointed as a member of a local government authority but not having been, at the

- time when he was elected or appointed, qualified to be so elected or appointed, sits or votes in the authority; or
- (b) sits or votes in an authority after his seat there has become vacant or he has become disqualified from sitting or voting in it, knowing or having reasonable grounds for knowing that he was so disqualified, or that his seat has become vacant,

shall be liable on conviction to a penalty not exceeding fifteen thousand shillings for every day upon which he so sits or votes.

(2) Such penalty shall be recoverable by action at the suit of the local government authority concerned.

(3) The provisions of this section shall not apply in the case of any disqualification from voting arising under the provisions of this Act regarding the duty of members not to be interested in contracts.

[s. 186]

General penalty  
Act No.  
6 of 1999 s. 37

**190.** A person who commits any offence against the provisions of this Act shall, for every such offence, be liable on conviction for it to the penalty expressly prescribed by this Act and, if no such penalty is prescribed, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months or to both.

[s. 187]

Books to be  
*prima facie*  
evidence of sums  
due

**191.** The books and registers of any local government authority and any extracts from them certified by the Chairman or other officer authorised in that behalf by the authority shall, in any proceedings for the recovery of any amount alleged to be due to the council, be *prima facie* evidence of the amounts so due.

[s. 188]

Offence by  
company or  
partnership

**192.** Where any offences against any provision of this Act or any subsidiary legislation made under it, is committed by a company or partnership, every director, manager, secretary or other person having the management or control, in Mainland Tanzania, of

the business or property in the case of a company, and every such person and each partner in the case of a partnership, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance; but nothing in this section shall be deemed to exempt from liability any other person guilty of any such offence.

[s. 189]

Notice of suits  
Act No.  
1 of 2020 s. 31

**193.**—(1) A suit shall not be commenced against a local government authority-

- (a) unless a ninety days notice of intention to sue has been served upon the local government authority and a copy thereof to the Attorney General and the Solicitor General; and
- (b) upon the lapse of the ninety days period for which the notice of intention to sue relates.

(2) The notice served under this section shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

[s. 190]

Limitation of  
suits against  
authorities

**194.** This Act shall not prejudice the right of a local government authority to rely upon any written law relating to the limitation of time for bringing proceedings.

[s. 191]

Mode of service  
on authority

**195.**—(1) Subject to subsection (2), the notice referred to in section 193 and any summons, notice or other documents required or authorised to be served on an authority shall be served by delivering it to, or by sending it by registered post addressed to the Chairman or the chief executive officer of the authority at the principal office of that authority.

(2) The court may with regard to any particular suit or document order service on the authority to be effected

otherwise, and in that case service shall be effected in accordance with the terms of the order.

[s. 192]

Appearance in  
Court  
Act No.  
4 of 2005 s. 31

**196.**—(1) Save as is otherwise expressly provided, appearance by or on behalf of a district or township authority in any civil case or matter in a court in which a local government authority is a party, shall be made by a solicitor authorised by a local government authority.

(2) The Director of Public Prosecutions may under his hand and subject to such conditions, as may be specified, delegate to any solicitor the power to prosecute as stipulated in any written law.

(3) Notwithstanding the provisions of subsection (1), where a local government authority has not employed or engaged a solicitor or where, with respect to any proceedings in court to which a local government authority is a party, that local government authority may be represented by any law officer, a state attorney or a legal officer duly authorised in that behalf by the local government authority.

[s. 192A]

Trial of persons

**197.** Save as is otherwise expressly provided, any person accused of an offence against this Act or any subsidiary legislation made under it may be tried by any court of competent jurisdiction.

[s. 193]

Preservation of  
jurisdiction of  
courts

**198.** The court shall not be precluded from trying an offence under this Act by reason only that the offence, if committed, was breach of an order, resolution, by-law or rule issued or made by a member or members of the court as a member or members of a local government authority, or by reason only of the fact that the proceedings have been instituted by or on behalf of any member or officer of or agent for an authority.

[s. 194]

Protection  
of assets and  
properties of  
councils  
Act No.  
13 of 2006 s. 11

**199.** Where any decree or order is granted or obtained against the district council, no execution or attachment or process of that nature shall be issued against the council, except that the District Executive Director shall cause to be paid out of the revenue of the council such amount as may by judgment, or order be awarded to the person entitled to it.

[s. 194A]

Appeals

**200.** All appeals by or against a local government authority shall, depending on the court of original jurisdiction in any particular matter, be brought before and heard by a competent court exercising appellate jurisdiction.

[s. 195]

Description of  
property

**201.** Wherever in any criminal process or proceeding it is necessary to refer to the ownership or description of property belonging to or under the management of a local government authority, such property may be described as the property of the authority.

[s. 196]

Burden of  
proof as to who  
occupier is

**202.** Where for any purpose or in any proceeding under this Act, a question arises as to whether any person is or is not the occupier of any tenement or building, the burden of proof that such person is not the occupier of the tenement or building shall be on the person who alleges that person is not the occupier, and that person shall be deemed to be the occupier unless the contrary is shown.

[s. 197]

Name of  
authority, etc.  
need not be  
proved

**203.** In any proceedings instituted by or on behalf of a local government authority it shall not be necessary to prove the corporate name of the authority or the constitution or the limits of its area.

[s. 198]

Service of notice  
by authority

**204.**—(1) Subject to this section, any notice, order or other document required or authorised by this or any other Act to be served by or on behalf of a local government authority, or by an officer of the authority, on any person shall be deemed to be duly served-

- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either-
  - (i) sent by registered post; or
  - (ii) delivered at the registered office, or at the principal office or place of business, of the company;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or the style under which its business is carried on, and is either-
  - (i) sent by registered post; or
  - (ii) delivered at that office;
- (c) where the person to be served is a public body, a local government authority, or a corporation, society or other body, if the document is addressed to the clerk chief executive officer, president, secretary, treasurer or other principal officer of that body or authority, corporation or society at its principal office and is either-
  - (i) sent by registered post; or
  - (ii) delivered at that office;
- (d) in any other case, if the document is addressed to the person to be served, and is either sent to him by registered post or delivered at his residence or place of business.

(2) Any document which is required or authorised to be served on the owner or occupier of any premises may be addressed “the owner” or “the occupier”, of those premises,

naming them, without further name or description, and shall be deemed to be duly served-

- (a) if the document so addressed is sent or delivered in accordance with paragraph (d) of subsection (1); or
- (b) if the document so addressed or a copy of it so addressed is affixed to some conspicuous part of the premises.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to have been served on each partner.

(4) For the purposes of enabling any document to be served on the owner of any premises, his agent or the person receiving rent for the premises, the local government authority may require the occupier of the premises to state the name and address of their owner, his agent or the person receiving rent for the premises.

[s. 199]

Authentication  
and execution of  
documents

**205.**-(1) Subject to the provisions of this Act, every by-law, order, notice or other document requiring authentication by a district authority shall be deemed to be sufficiently authenticated without the seal of the authority if signed by two members of the authority or by the chief executive officer of the authority or by any officer of the authority duly authorised in that behalf by any resolution of the authority; save that the authority shall cause at least one copy of every by-law made by it to be authenticated by the official seal of the authority and deposited in the offices of the authority.

(2) Every instrument or deed shall be executed by district authority under its official seal.

(3) Any contract or other document shall be deemed to be duly executed by or on behalf of any authority if signed by the Chairman or the Vice-Chairman and by an officer of the authority duly authorised in that behalf by a resolution of the authority.

(4) Any document purporting to be a document duly authenticated or executed by or on behalf of a local government authority shall, unless the contrary is proved, be deemed to be a document so executed or authenticated.

[s. 200]

Publication of notices

**206.**—(1) Subject to subsection (2), and save as otherwise expressly provided in this Act or any other written law, the publication of any by-law, order, notices or other document required by this Act to be published shall be deemed to be duly made-

- (a) if it is published in the *Gazette*; or
- (b) if it is fixed for a reasonable time in some conspicuous place on or near the outer door of the office of the authority during office hours or is made known in such other manner as is customary in the area of the authority.

(2) This section shall not be construed as authorising the publication of any rules or regulations made under this Act otherwise than in the *Gazette*.

[s. 201]

Regulations  
Act No.  
17 of 2009 s. 8

**207.**—(1) The Minister may make regulations for better carrying of the provisions and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister shall make regulations prescribing the procedure for the election of-

- (a) the Chairman and Members of the Village Council; and
- (b) the Chairman of the *Kitongoji*.

[s. 201A]

### *Consequential and Savings Provisions*

Repeal of laws  
Ord. No.  
35 of 1953  
R.L Cap 363  
Act No.  
25 of 1975

**208.** [Repeal of the Local Government Ordinance; the Local Government Authorities (Application of Laws) Ordinance; and

## the Villages and Ujamaa Villages (Registration, Designation and Administration) Act.]

[s. 202]

Savings  
Act No.  
4 of 1985 Sch.  
Act No.  
27 of 1972

**209.**—(1) Notwithstanding the repeal of the various written laws specified in section 208, and unless there is, in any particular case, in this Act any express provision to the contrary—

- (a) no right, obligation or other entitlement of any person or body which was extinguished by the enactment and application of the Decentralisation of Government Administration (Interim Provisions) Act shall be revived for the reason only of the establishment by this Act of a district authority by the name or style of an authority previously existing in the area formerly of the authority dissolved under the Decentralisation of Government Administration (Interim Provisions) Act;
- (b) all officers and staff appointed to hold offices under any of the laws repealed and whose appointments are in force immediately before the commencement of this Act, shall, unless their offices are abolished by virtue of this Act or until their appointments are terminated or new officers are appointed in their places, continue to serve in those offices and shall, for that purpose, be deemed to be serving in those offices in pursuance of this Act;
- (c) all licences, permits, authorisations and other instruments or documents granted or given by a District Development Council shall, so long as they subsist on the date of commencement of this Act, continue in full force and effect until they expire, cease to have effect or are replaced by new ones issued or granted under this Act;
- (d) all proceedings pending in court by or against any District Development Council shall be continued and completed against the district authority established in the area formerly of the jurisdiction of that Council, but no financial liability shall lie against

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the district authority as a result of those proceedings save in accordance with the provisions of the Local Government Finances Act, relating to the disposition of liabilities of District Development Councils after the commencement of this Act; and

- (e) all subsidiary legislation made prior to the commencement of this Act in relation to the area of a local government authority by a District Development Council shall remain effective and in force in the area of the authority for a period not exceeding twelve months from the commencement unless it is sooner amended, revoked or replaced by legislation made under this Act, and may be enforced by the new local government authority as if it were subsidiary legislation made by itself.

Act No.  
25 of 1975

(2) Notwithstanding the repeal of the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, all Villages and Ujamaa Villages established under that Act shall be deemed to have been established under this Act.

[s. 203]

Omitted

**210.** [Omitted.]

[s. 204]

## FIRST SCHEDULE

*(Made under section 124(5))*

### FUNCTIONS WHICH DISTRICT COUNCILS MAY PERFORM

Any district council may-

- (1) provide services for the improvement of agriculture;
- (2) control or prescribe the methods of husbandry in respect of any agricultural land;
- (3) require the taking of such measures as may be necessary for the preservation of harvested crops;
- (4) suppress or control animal or insect pests or plant pests, noxious weeds or plant diseases;

(5) declare any area of land to be reserved for the purpose of reconditioning, whether by artificial measures or natural regeneration or both, or for the purpose of planting with fodder plants and prohibit, control or regulate the use of such area;

(6) provide services for the improvement of livestock;

(7) build, equip and let shops and dwelling houses;

(8) prohibit, restrict or regulate the construction, alteration, alignment and elevation of all buildings and other structures and of parts and compel the demolition, removal, repair or rendering safe of any building structure or part which, in the opinion of the authority is dangerous or unfit for occupation for structural or sanitary reasons or which otherwise constitutes a nuisance and for the doing of any such work at the cost of the owner or occupier and for recovering such costs;

(9) provide for building lines and the lay-out of buildings;

(10) regulate the amount of space to be allowed in and about buildings for securing the proper ventilation and the free circulation of air;

(11) regulate the closing of building or parts of buildings unfit for human habitation;

(12) erect and maintain houses for occupation by such persons as the authority shall decide;

(13) make advances upon such conditions as shall be thought fit for the purpose of enabling the inhabitants of the area to build or to buy dwelling houses;

(14) prescribe the conditions to be satisfied by a site for any building or for any class of buildings;

(15) prohibit the construction of any new building unless and until the plans have been submitted to and approved by the authority;

(16) prohibit or regulate the use in any defined area of any inflammable material in the construction or repair of any building;

(17) establish, erect, equip and maintain social or welfare centres, public libraries and cinemas;

(18) establish, erect, equip and maintain communal feeding centres and canteens for the supply of food and drink, including intoxicating liquors;

(19) make grants of money towards the establishment and maintenance of libraries and museums;

(20) acquire, hire, erect and maintain such offices and buildings as may be required for the purposes of the authority;

(21) prohibit or regulate the making of burial pits or other excavations;

(22) require the proper conveyance, burial or cremation of deceased person in cemeteries or otherwise;

(23) conduct funerals;

(24) establish, maintain and control burial and cremation grounds;

(25) grant sums of money towards the establishment, equipment or maintenance of schools and educational institutions;

(26) grant and maintain scholarships or bursaries to suitable inhabitants of the area to attend a school or other educational institution in Tanzania or elsewhere;

(27) provide services and prescribe steps to be taken for the prevention, control or relief of famine, including relief works, the provision of seed, the acquisition, whether by purchase or compulsory deposit, of foodstuffs for storage, the storage of such foodstuffs and the control of movement of persons, whether for the purposes of feeding them or otherwise, and any other measure necessary for the purpose;

(28) establish, maintain and control fire brigades;

(29) establish, erect, maintain and control premises for the inspection, treatment, storage, sale and distribution of articles of food;

(30) regulate or control the production and sale of milk and milk products;

(31) provide services for the purchase, processing and sale of milk and milk products;

(32) establish, maintain and regulate premises for the drying, cleaning and storing of hides and skins;

(33) regulate or control the drying, cleaning and storage of hides and skins;

(34) establish, regulate and control markets, regulate and control trade therein, construct market buildings, and let stands or plots in such markets;

(35) prohibit, regulate or control trade otherwise than at established markets;

(36) regulate and control the fixing of and collection of stallages, rent and tolls in markets;

(37) take measures for the prevention and abatement of nuisances, including such as arising outside the area cause annoyance, danger or injury to health within the area;

(38) secure the destruction of locusts in any stage of development;

(39) exterminate and prevent the spread of tsetse fly, mosquitoes, bugs and other insects;

(40) establish, erect, maintain and control centres for the inspection and storage of produce;

(41) regulate or control the inspection, movement and storage of produce;

(42) safeguard and promote public health including the prevention of and the dealing with any outbreak or the prevalence of any disease;

(43) control the residence and movement of persons in order to prevent or check the spread of sleeping sickness or other communicable disease;

- (44) build, equip and maintain, or grant sums of money towards the establishment, equipment or maintenance of hospitals, health centres, maternity clinics, dispensaries, asylums for the aged, destitute or infirm or for orphans, or institutions for lepers;
- (45) establish and operate ambulance services;
- (46) establish, install build, maintain and control drains, latrines, public lavatories, baths and wash places;
- (47) establish, maintain, operate and control drainage and sewerage works;
- (48) regulate the washing of clothes in public places within the area;
- (49) establish, maintain and carry out service for the removal and destruction of and otherwise dealing with night soil and all kinds of refuse;
- (50) establish, erect, maintain and control disinfecting stations;
- (51) prohibit the possession, conveyance, handling, sale or offering for sale, and provide for the destruction when deemed necessary of diseased animals or carcasses or of any article of food or drink which is diseased or unfit for human consumption;
- (52) control the movement of beggars in streets and public places;
- (53) require persons to carry lights during certain hours in certain areas;
- (54) suppress brothels and disorderly houses and take measures to prevent prostitution;
- (55) provide for the return of destitute persons to their homes;
- (56) prohibit, regulate and control meetings, processions, dances, beer parties and other assemblies;
- (57) regulate and control public collection of money in streets and other public places within the area;
- (58) prohibit, regulate and control the use of firearms;
- (59) prohibit any act or conduct which in the opinion of the authority is likely to cause a riot or any disturbance or breach of the peace;
- (60) prohibit, restrict, regulate or license tribal dances;
- (61) establish, control and manage recreation grounds, open spaces and parks;
- (62) erect, supply and maintain buildings and equipment for recreational purposes;
- (63) establish, maintain and control camping grounds and outpans;
- (64) regulate the upkeep of parks, gardens, recreation grounds and other public places;
- (65) establish, erect, maintain and control dipping tanks;
- (66) purchase and operate for hire agricultural tractors machinery;
- (67) operate and maintain crop processing or drying plants;
- (68) establish and maintain seed farms, plant nurseries, apiaries, fish ponds and animals at stud;

- (69) establish, maintain and operate aerodromes and landing grounds;
- (70) establish, erect, maintain and control public weighing machines;
- (71) establish, erect, maintain and control slaughter houses;
- (72) establish, erect, maintain and control laundries;
- (73) establish, erect, maintain and control cold storage works;
- (74) establish, maintain and control systems of lighting in public places;
- (75) establish, acquire and maintain omnibus or transport services;
- (76) establish, acquire and maintain ferry or boating services;
- (77) provide for the registration of births, deaths and marriages within the area which is not provided for by any other law;
- (78) require the notification and registration of any marriage, birth or death within the area, the notification or registration of which is not required by any other law, and appoint registration offices and registrars for such purposes;
- (79) regulate and require the registration of the making of testamentary dispositions;
- (80) regulate and require the registration of transactions in immovable property;
- (81) make, maintain, alter, divert and close roads, streets and roads of any specified class or class or classes, paths, culverts, street drains and water courses;
- (82) make, maintain, alter and close bridges, squares and open spaces;
- (83) name and number, and alter the names and numbers of roads, streets and houses;
- (84) prohibit or regulate the use of streets in the area;
- (85) provide that the owner or occupier of any land or tenements maintain, clear and keep free from vegetation the roads or paths adjoining his land or tenements;
- (86) regulate the use and lighting of bicycles and other vehicles;
- (87) engage in local trading or industry;
- (88) carry on any works or undertaking authorised by the Minister;
- (89) sell or buy products resulting from the carrying on, by or on behalf of the authority of any works or undertaking which the authority is authorised to carry on;
- (90) establish, provide maintain and control public water supplies and impose water rates;
- (91) prevent the pollution of water in any river, stream, water course, well or other water supply in the area, and for this purpose prohibit, regulate or control the use of such water supply;
- (92) regulate or prohibit the sinking of wells and provide for the closing of wells;
- (93) regulate or prohibit the construction and use of furrows;

(94) grant sums of moneys to any association existing for the promotion of arts and crafts or of recreation and sports or of the welfare of the inhabitants of the area;

(95) regulate or control the use of swamp or marshlands;

(96) establish, erect, maintain and control public monuments;

(97) control and regulate the siting of advertisements and hoardings;

(98) regulate the use and prevent the misuse or waste of or any interference with water, gas, oil or electric power;

(99) do all things necessary for carrying out any of the purposes of this Act which the authority is authorised to carry out or for any purpose not specifically provided for in this Act which the Minister may determine to be a purpose incidental to the exercise by the authority of its powers and duties under the provisions of this Act;

(100) incur all expenditure necessary for the carrying out of any of the purposes of this Act or any purpose not specially provided for in this Act which the Minister may determine to be a purpose incidental to the exercise by the authority of its powers and duties under the provisions of this Act;

(101) provide funds for meeting the expenses of courts, including the provision of court houses and other buildings and personal emoluments for the staff of such courts;

(102) engage paid labour for essential public works;

(103) require the performance of unpaid communal labour or the payment of a composition in lieu within the area of the authority for purposes covered by this section and not barred by the Convention respecting the use of forced labour; and that

(104) subject as aforesaid an authority may perform or shall perform any other functions whether similar to those enumerated in this section or not, which may be specifically assigned to an authority by the instrument.

## SECOND SCHEDULE

*(Made under section 139(1))*

### FUNCTIONS TO BE PERFORMED BY TOWNSHIP AUTHORITY

A Township Authority may, subject to the approval of the District Council in whose area it is situated and to the availability of financial resources, perform any or all of the following functions namely, to take measures designed to-

(1) deal with the construction, drainage and maintenance in sanitary condition of buildings, dwellings, conveniences and other premises;

- (2) establish and maintain sanitary services for the removal and destruction of, or dealing in any other manner with, all kinds of refuse and effluent and to compel the use of those services;
- (3) establish and maintain drains, sewers and works for the disposal of sewerage and refuse;
- (4) establish and maintain offices and buildings for the purpose of transacting the business of the authority and for public meetings and assemblies;
- (5) establish and maintain allotment gardens;
- (6) require the taking of measures for the conservation of natural resources and the prevention of soil erosion, including the prohibition and control of cultivation;
- (7) control the erection and display of advertisement and advertising devices in or in view of, streets and other public places;
- (8) control the keeping and movement of livestock;
- (9) establish and maintain pounds;
- (10) control the slaughtering of animals, the meat of which is intended for human consumption; to control the sale of such meat; and to require the disposal of diseased animals and carcasses and of meat which is unfit for human consumption;
- (11) establish and maintain abattoirs, cold storage facilities and plants for the processing of by-products from abattoirs;
- (12) establish, maintain, control and close streets, bridges, ferries and water-courses and to remove obstruction therefrom;
- (13) prohibit and control the erection and laying in, under or over and the removal from, streets and other public places of
  - (a) posts, wires, pipes, conduits, cables and other apparatus;
  - (b) temporary platforms seats and other structures;
  - (c) street decorations;
- (14) control traffic and the parking of vehicles and, for that purpose, to establish and maintain parking meters and premises for the parking of vehicles;
- (15) take measures for the promotion of road safety;
- (16) control the conduct of funerals and to establish and maintain cemeteries, mortuaries and crematoria;
- (17) safeguard and promote the public health, and to take all necessary and reasonable practicable measures for preventing the occurrence of, or for dealing with any outbreak or prevalence of any infectious, communicable or preventable disease, for maintaining the area of the authority in clean and sanitary condition, and for preventing the occurrence of or for remedying or causing to be remedied any nuisance or condition likely to be injurious or dangerous to health;
- (18) establish and maintain a school health service and to make provisions for matters ancillary to such service;
- (19) establish and operate ambulance services;

(20) control the manufacture, storage, sale and use of petroleum, fireworks, gas and other combustible or dangerous substances;

(21) control persons and premises engaged in or used for the manufacture, preparation, storage, handling, sale or distribution of articles of food or drink;

(22) establish and maintain premises for the sale of, and to sell therefrom, articles of food and drink for consumption on or off the premises;

(23) erect, purchase and maintain buildings for use as dwellings or clubs and, where it is in the public interest, for use for business or professional purposes;

(24) prohibit and control the development and use of and buildings, and the erection of buildings, in the interests of public health, public safety and the proper and orderly development of the area of the council;

(25) control the demolition and removal of buildings and to require the alteration, demolition and removal of buildings which-

(a) do not conform to plans and specifications in respect thereof approved by the council; or

(b) are dangerous to public health or public safety;

(26) prohibit, control and require the fencing of land and to control the use of barbed wire and other dangerous materials for fencing;

(27) require the trimming and removal of trees and shrubs growing on any land where such trees and shrubs which obstruct or endanger the use of streets and other public places;

(28) establish and maintain parks, gardens, pleasure grounds, camping grounds, and open spaces;

(29) plant, trim and remove trees, shrubs and plants in streets and other public places; and to prohibit and control the planting, damaging, destruction and removal of trees, shrubs and plants in streets and other public places;

(30) establish and maintain day nurseries;

(31) establish and erect markets and market buildings on land allocated to the council for the purpose and to maintain and control such markets and market buildings, and to let portions of such buildings and stalls therein;

(32) prohibit and control the carrying on of offensive, unhealthy or dangerous trades;

(33) prohibit the sale of any specified produce within the area of the jurisdiction of the council otherwise than in a market;

(34) establish and maintain weighing machines;

(35) sell all products and by-products resulting from the carrying on of any of the undertakings or services of the authority;

(36) control the days on which, and the hours during which, shops may be open for the transaction of business;

(37) arrange for the lighting of public places and for the erection and maintenance of lamps for that purpose;

(38) prepare and administer schemes for the encouragement of community development;

(39) establish and maintain fire-fighting and fire prevention services and take and require the taking of measures for the protection of life, property and natural resources from damage by fire;

(40) establish and maintain public information services; and advertise and give publicity to the advantage and amenities of the area of the authority;

(41) provide for and require-

(a) the enumeration and registration of persons or property for any purpose connected with the administration of the area of the authority;

(b) the registration of births, marriages and deaths the registration of which is not required by any other law;

(c) the registration of such transactions in connection with land charges as may be prescribed in any written law relating to land charges;

(42) provide and maintain supplies of water and, for that purpose, to establish and maintain water works and water mains;

(43) take and require the taking of measures for the conservation and the prevention of the pollution of supplies of water;

(44) control persons, premises and land engaged in or used for the holding of any fair, circus, fete or of her entertainment, recreation or assembly to which the public are entitled or permitted to have access whether on payment or otherwise;

(45) prohibit and control the collection of money from door to door and in streets and other public places;

(46) preserve public decency; and

(47) prevent damage and trespass to property, whether public or private.

### THIRD SCHEDULE

[Omitted.]

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