

GOVERNMENT NOTICE No. 178 published on 4/5/62

AG./ORD./77/3

THE TRANSFER OF POWERS AND DUTIES ORDINANCE, 1961
(No. 34 OF 1961)**ORDER***Made under section 2, and under section 13 of the Constitution*

THE TRANSFER OF POWERS AND DUTIES (No. 3) ORDER, 1962

1. This Order may be cited as the Transfer of Powers and Duties (No. 3) Order, 1962, and shall come into operation on the first day of April, 1962.

2. The Schedule to the Tanganyika (National Assembly) (Amendment) Order in Council, 1961 (Transfer of Functions) Order, 1961, as amended from time to time, is hereby further amended as follows:—

G.Ns. 1961
Nos. 149
and 404,
1962 Nos.
50 and 77

(a) in item 2 thereof, by deleting the first line in the second and third columns;

(b) in item 6 thereof, by inserting in the second and third columns, in the appropriate numerical order, the following:—

“All powers and duties 294 Exchange Control Whole Ordinance except the sections in item 7 below.”;

(c) in item 7 thereof, by deleting from the second and third columns the entries relating to Chapters 264 and 265;

(d) in item 11 thereof, by inserting in the second and third columns, in the appropriate numerical order, the following:—

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>Section</i>
“Order payment of compensation	133	Plant Protection	6
		<i>Rules</i>	<i>Rule</i>
Direct application of rules	133	Plant Protection (Coffee) Rules (Vol. VI, p. 1428)	1
Approved declaration of restricted areas	133	Plant Protection (Coffee) Rules	3
		<i>Ordinance</i>	<i>Section</i>
Direct application of Ordinance	135	Grass Fires (Control)	1
Make rules	135	Grass Fires (Control)	8
Declare areas	136	Locusts	2
Make regulations	136	Locusts	3
Declare produce	137	Produce Export	2
Make rules	137	Produce Export	10
Direct application of Ordinance	139	Copra	1
All powers and duties	143	Sisal Industry	3(1) second proviso (2) and (4) 6(b) and (c)
Receive advice	143	Sisal Industry	
Appoint places to be infirmaries	153	Animals (Protection)	13(1)
Prescribe scales or rates	153	Animals (Protection)	13(3)
Make rules	153	Animals (Protection)	14
Direct application of Ordinance	155	Cattle Grazing	1

G.N. No. 178 (contd.)

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>Section</i>
Direct payment of compensation	156	Animals Diseases	19
Make regulations	156	Animals Diseases	25
Permit waiver	156	Animals Diseases	29
Make regulations	156	Animals Diseases	31
Make orders restricting establishment of meat factories	157	Animals (Native Livestock)	4
		<i>Rules</i>	<i>Rule</i>
Sanction establishment of factory	157	Native Livestock (Establishment of Meat Factories) Rules (Vol. VI, p. 1531)	2
		<i>Ordinance</i>	<i>Section</i>
Direct application of Ordinance	158	Transfer of Native-owned Livestock (Notification)	3
Approve imposition of levy	244	Export Seeds	9
		<i>Rules</i>	<i>Rule</i>
Appoint members of Board	244	Export Seeds (Tanganyika Seeds Board) Rules (Vol. II 47-50, p. 546)	3(1)
		<i>Ordinance</i>	<i>Section</i>
Declare natural resources	259	Natural Resources	2
Appoint members, deputy for members and determine tenure of office of members	259	Natural Resources	3
All powers and duties	259	Natural Resources	5(d), (k), (m) and (n)
Decide appeals	259	Natural Resources	9(2)
Appoint Conservation Council	259	Natural Resources	10
Approve conservation works and measures	259	Natural Resources	11(c)
Approve reservation of despoiled or deteriorating areas	259	Natural Resources	19(1) and (2)
Authorize destocking and stock limitation	259	Natural Resources	20
Make rules	259	Natural Resources	23
Declare livestock	260	Livestock Control	2
Receive recommendations	260	Livestock Control	7(1)
Make regulations	260	Livestock Control	12
All powers and duties	284	African Agricultural Produce (Control and Marketing)	3
Approve levy	284	African Agricultural Produce (Control and Marketing)	11(1)
All powers and duties	284	African Agricultural Produce (Control and Marketing)	23(2)
Apply Ordinance	287	Hides and Skins Trade	1(2)
Declare regions and assign designation	287	Hides and Skins Trade	6
Make Rules	287	Hides and Skins Trade	23
Receive recommendations	291	Tea	6(1)
Apply or suspend provisions of Ordinance	295	Fisheries	1
Declare controlled areas and establish Boards	295	Fisheries	8
Approve levy order	295	Fisheries	14
Abolish Boards	295	Fisheries	29

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>G.N. No. 178 (contd.) Section</i>
Make regulations	310	Tobacco (Non-Native Industry)	10 and 21
Approve rules	310	Tobacco (Non-Native Industry)	15(1)
Approve imposition of levy	310	Tobacco (Non-Native Industry)	16
Approve compulsory marketing	310	Tobacco (Non-Native Industry)	20
Apply or suspend provisions of Ordinance	311	Lint and Seed Marketing	1
Approve raising or borrowing of money	311	Lint and Seed Marketing	5
Agree to terms of loans	311	Lint and Seed Marketing	11(3) (c)
Approve regulations	311	Lint and Seed Marketing	39
Determine constitution of Tanganyika Agricultural Corporation and appoint chairman and members	339	Tanganyika Agricultural Corporation	4(1) and (2)
Determine remuneration and allowances	339	Tanganyika Agricultural Corporation	6
Approve modifications	339	Tanganyika Agricultural Corporation	8(b)
Approve production, development and other activities, and terms	339	Tanganyika Agricultural Corporation	8(c) (i) and (ii)
Consult and give directions and apply proceeds	339	Tanganyika Agricultural Corporation	10(1) and 11(1) and (2)
Required information and returns	339	Tanganyika Agricultural Corporation	10(4)
Receive estimates	339	Tanganyika Agricultural Corporation	12
Make payments to Corporation	339	Tanganyika Agricultural Corporation	13(a)
Direct preparation of statements of account	339	Tanganyika Agricultural Corporation	14(1)
Appoint auditors	339	Tanganyika Agricultural Corporation	14(3)
Make regulations	339	Tanganyika Agricultural Corporation	15
		<i>Regulations</i>	<i>Regulation</i>
Determine periods of appointment of Chairman and members of Corporation	339	Tanganyika Agricultural Corporation Regulations, 1955 (Supp. 55 Cap. 339 p. 4)	2(1) and (2)
All powers and duties	339	Tanganyika Agricultural Corporation Regulations, 1955	3(1), (2) and (3)
		<i>Ordinance</i>	<i>Section</i>
Determine constitution and appoint first Chairman and members of the Corporation and determine their tenure of office	351	Makonde Water Corporation	4(1) and (2)
Make rules	351	Makonde Water Corporation	4(3)
Approve scheme and map and issue notice	351	Makonde Water Corporation	10(2) and (3)
Add, vary or diminish powers of the Corporation	351	Makonde Water Corporation	29(2)
Impose rates	351	Makonde Water Corporation	36(1)

(e) in item 15 thereof—

(i) by inserting in the second and third columns, in the appropriate numerical order, the following: —

G.N. No. 178 (contd.)

Powers and Duties	Cap. No.	Ordinance	Section
"Grant rights of occupancy and require payment of premium and rental, revise rents and make contracts	113	Land	6
All powers and duties	113	Land	7
Determine rent and charge reduced rents	113	Land	14
Pay compensation	113	Land	15(1) and (2)
Require road of access	113	Land	16
Make regulations	113	Land	19(3)
Direct exclusion or variation of terms or conditions	113	Land	21(1) and (2)
Transfer legal proceedings to, or order retrial by, High Court	113	Land	21(3)
Approve dispositions of land belonging to a native in favour of a non-native, and delegate power of approval	114	Land (Law of Property and Conveyancing)	22
Make appeals	288	Export of Timber	16
Make rules	288	Export of Timber	17
Permit persons without licences to hunt animals shown in the Third Schedule	302	Fauna Conservation	12(1)(iii)
Make regulations	302	Fauna Conservation	58
Declare, vary or revoke preserved areas	338	Public Land (Preserved Areas)	3
Make regulations	338	Public Land (Preserved Areas)	8
Declare forest produce	389	Forests	2
Declare forest reserves	389	Forests	5(1)
Receive notice of objection	389	Forests	6(1) and (3)
Appoint person to assess compensation	389	Forests	6(9)
Order reimbursement of compensation to Government, and refunds	389	Forests	6(10) and (11)
Specify local authority to manage local authority forest reserve	389	Forests	10
Grant compensation	389	Forests	13
Make rules	389	Forests	30
Grant exemptions	389	Forests	31
Make regulations	389	Land Survey	31(1)
Consent only to hold or purchase any immovable property	412	National Parks	8(1) (c)
All powers and duties	412	National Parks	15";

(ii) by deleting from the second and third columns the entries relating to Chapter 351;

(f) in item 20 thereof—

(i) by deleting from the second and third columns the following:—
 "Grant or withhold the grant of an exclusive prospecting licence over any area whether or not it is a public square"

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>Section</i>
"Appeal from Commissioner	123	Mining	12(6)"; and
(ii) by inserting in the second and third columns, in the appropriate numerical order, the following:—			
"Declare precious stones	123	Mining	2
Decide appeal	123	Mining	12(6)
Consent to prospecting or occupation in excluded area	123	Mining	14(cc)
All powers and duties	123	Mining	18
Hear appeal	123	Mining	26(2)(i)
Suspend or revoke a prospecting right or exclusive prospecting licence and demand security	123	Mining	26(5)
Summarily revoke prospecting right or exclusive prospecting licence	123	Mining	27
Apply Part V of the Mining Ordinance to minerals	123	Mining	72
Make regulations	123	Mining	100(1)
			<i>Regulations</i>
Receive report	123	Mining Regulations (Supp. 58, p. 60)	45
Sanction granting of lease	123	Mining Regulations (Supp. 58, p. 60)	46
Execute lease	123	Mining Regulations (Supp. 58, p. 60)	48
Declare base metal	123	Mining (Royalty) Regulations, 1953 (Supp. 58, p. 89)	3
			<i>Ordinance</i>
Make, modify or vary regulations	124	Mining (Controlled Areas)	18(1) and (2)
Authorize communication	125	Mining (Loans)	23(2) (a)
Make regulations	127	Gold Trading	24
Appoint members of Assayers Licensing Board	128	Assayers	8(1)
Decide appeal	128	Assayers	10(2)
Confirm cancellation or suspension and consent to variation of a licence	128	Assayers	10(4)
Make rules	128	Assayers	15
			<i>Rules</i>
Hear appeal	128	Assayers Rules (Vol. VI, p. 1256)	9
			<i>Ordinance</i>
Approve direction	129	Diamond Industry Protection	20(2)
Consent to conduct trade or business within diamond areas and impose or prescribe conditions	129	Diamond Industry Protection	24
Make regulation	129	Diamond Industry Protection	28
Grant licence	224	Explosives	7
Make rules	224	Explosives	63
Grant licences and leases and therein provide for revocation or forfeiture	399	Mining (Mineral Oil)	5
Make regulations	399	Mining (Mineral Oil)	9

G. N. No. 178 (contd.)

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Regulations</i>	<i>Regulation</i>
Determine regarding application	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	4(6)
Consent to assignment of licence or lease	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	7(1)
Extend time to execute licence or lease	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	9
Require execution of bond	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	11
Grant oil exploration licence and renewal	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	13 and 16
Provide in oil exploration licence suspension of working obligation under the licence	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	17(2)
Grant an oil prospecting licence	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	19
Grant an oil prospecting licence over an area of less than 8 square miles	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	20(b)
Grant a comprehensive oil prospecting licence	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	21
Renew and extend oil prospecting licence and specify terms and conditions	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	25
Provide for assessment and payment of royalty	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	29(3)
Grant oil mining lease	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	30
Grant mining lease over an area in excess of one-third of the area held under a prospecting licence	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	31(a)
Grant oil mining lease over an area of less than 4 square miles	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	31(d)
Grant a comprehensive oil mining lease	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	32
Provide for assessment and payment of royalties and determination of values	399	Mining (Mineral Oil) Regulations, 1958 (Supp. 58, p. 15)	38(2)";

203/62 (g) in item 24 thereof, by inserting in the second and third columns, in the appropriate numerical order, the following:—

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>Section</i>
"Appoint members of the Pharmacy and Poisons Board	94	Pharmacy and Poisons	3
Approve removal from the register of the name of any registered pharmacist	94	Pharmacy and Poisons	12
Approve, confirm, amend or vary list of substances which are to be treated as poisons for the purposes of the Ordinance	94	Pharmacy and Poisons	20(1) and (4)

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>G.N. No. 178 (contd.) Section</i>
Prohibit or control importation, manufacture or sale of medicine or preparation	94	Pharmacy and Poisons	34
Make rules	94	Pharmacy and Poisons	35
Direct application Ordinance	99	Mosquitoes (Extermination)	1
Appoint a Sanitary Authority	99	Mosquitoes (Extermination)	2(b)
Make rules	99	Mosquitoes (Extermination)	3
Consider and approve scheme in its entirety or with modifications	99	Mosquitoes Extermination)	6(1) and (2)
Make regulations	263	Workmen's Compensation	41
Make Rules	296	Trade Disputes (Arbitration and Settlement)	27(1)
Add services to the Schedule	296	Trade Disputes (Arbitration and Settlement)	29
Make rules	300	Regulation of Wages and Terms of Employment	27
Make rules	330	Accidents and Occupational Diseases (Notification)	10
Grant exemption	366	Employment	1(3)
Appoint members of the Labour Advisory Board and specify duration	366	Employment	3
Make and apply regulations	366	Employment	158(1) and 159
Make regulations	381	Trade Unions	52";

- (h) in item 26 thereof, by deleting from the second and third columns the entries relating to Chapter 71;
- (i) in item 29 thereof, by substituting for the figures and brackets "8 (1)" in the third column under the heading "Section" in the entry relating to Chapter 162, the figures and brackets "107 and 108 (1)";
- (j) in item 31 thereof, by inserting in the second and third columns, in the appropriate numerical order, the following:—

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>Section</i>
"Appoint administrative officer to office of native authority	72	Native Authority	4(1)
Consent to repayment of fines	72	Native Authority	12(2)
Make, amend and revoke rules or orders	72	Native Authority	17
Make rules	72	Native Authority	19
Determine revenue of native authorities	72	Native Authority	20(2) (i)
Decide petitions	102	Minor Settlements	7(2)
Revoke or amend rules	102	Minor Settlements	9(1) and (2)
Approve modification or variation of approved scheme or require other modification or variation	283	Upanga Area (Planning and Development)	16A (5), (6) (7), (8) and (9)

G.N. No. 178 (contd.)

<i>Powers and Duties</i>	<i>Cap. No.</i>	<i>Ordinance</i>	<i>Section</i>
Authorize payment in lieu of rates	317	Local Government (Rating)	17(1) and (2)
Make regulations	317	Local Government (Rating)	34
Decide disputes as to appointment, succession and vacancies	331	African Chiefs	12
Direct the place and manner of custody	331	Africans Chiefs	17(3)
Direct disposal of anything seized	331	African Chiefs	17(5)
Give directions excluding advocates or legal practitioners from an investigation	331	African Chiefs	17(7)
Direct place of custody	331	African Chiefs	19(2)
Make regulations	331	African Chiefs	29(1) and (2)
Determine purposes incidental to the exercise of the authority of its powers and duties	333	Local Government	52(1) paragraphs (148) and (149)
Approve requests to Governor-General to acquire land and to revoke rights of occupancy	333	Local Government	72(2)
Vary percentage of annual salaries of approved officers to be paid by any Authorities	333	Local Government	77(1)(c)
Decide correctness or admissibility of charges	333	Local Government	77(3)
Approve appointment of and period, terms and conditions for seconded officers	333	Local Government	131
Formulate and amend scheme for the establishment of a Local Government Service and a Local Government Service Commission and submit the same to National Assembly	333	Local Government	139(1) and (5)
Make regulations	333	Local Government	148(1)
Make over plant, equipment, etc., excluding money, to District Councils or Town Councils	333	Local Government	167(4) and 168(4)
Approve schemes	347	Private Street Works	3(2) and 20A(3)
Consent to resolution of an authority	347	Private Street Works	10(1)
Consent to contribution by authority to expenses	347	Private Street Works	14(1) and (2)
Authorize payment	347	Private Street Works	15
Consent to borrowing	347	Private Street Works	16
Make rules	347	Private Street Works	24(2)"; and

(k) by deleting item 38 thereof.

Dar es Salaam,
24th April, 1962

R. WINDHAM,
Chief Justice