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THE LOCAL GOVERNMENT ORDINANCE
(CAP. 333)

AMENDING INSTRUMENT

AMENDING THE INSTRUMENT ESTABLISHING THE
NYAMWEZI DISTRICT COUNCIL (NZEGA)

Made under section 10

THE LOCAL GOVERNMENT (NZEGA DISTRICT COUNCIL) AMENDING
INSTRUMENT, 1962

WHEREAS the Minister for Local Government and Administration in exercise of powers conferred on him by section 4 of the Local Government Ordinance (hereinafter called the Ordinance) and with the prior approval of the Legislative Council signified by resolution on the nineteenth day of February, 1958, made an Instrument establishing the Nyamwezi District Council (Nzega) called the Local Government (Nyamwezi District Council (Nzega)) Instrument Supp. 58
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AND WHEREAS it is considered desirable to amend the Local Government (Nyamwezi District Council (Nzega)) Instrument in the manner hereinafter appearing:

NOW, THEREFORE, I, JOB MARECELA LUSINDE, Minister for Local Government and Administration, in exercise of the powers conferred on me by section 10 of the Ordinance after consultation with the Nyamwezi District Council (Nzega) do hereby make the following Amending Instrument: —

1. This Instrument may be cited as the Local Government (Nzega District Council) Amending Instrument, 1962 and shall be read and construed as one with the Local Government (Nyamwezi District Council (Nzega)) Instrument, 1958, hereinafter referred to as the principal Instrument.

2. The principal Instrument is hereby amended by deleting therefrom clause 7 and substituting therefor the following new clause: —

“Constitution

The Council shall consist of: —

- (a) three persons holding the office of Chief in any Chiefdom within the area of jurisdiction of the Council to be appointed by the Council:

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Provided that, for the purpose of appointing such persons only, the Council shall be deemed to be properly constituted notwithstanding that no such persons are at the time appointed; and

- (b) twenty-one members to be appointed by the Minister, each to represent one ward in the area under the jurisdiction of the Council; and
- (c) not more than three other members to be appointed by the Minister; and
- (d) not more than three other members co-opted by the Council under the provisions of clause 7B of this Instrument.”.

3. Clause 7A of the principal Instrument is hereby amended by deleting therefrom paragraphs (2) and (3) and the symbol (1).

4. The principal Instrument is hereby amended by deleting therefrom clause 7B and substituting therefor the following new clause: —

“Co-opted members 7B. The Council may, in its discretion, at any time co-opt to be additional members of the Council not more than three persons.”.

5. The principal Instrument is hereby amended by deleting therefrom clause 8 and substituting therefor the following new clause: —

“Term of office of members of the Council 8. Members of the Council shall retire at the end of three years from the date of their appointment:

Provided that those members first appointed by the Minister to represent Wards I to VIII, as described in the Second Schedule hereto, shall retire at the end of one year from the date of their appointment, and those members first appointed by the Minister to represent Wards IX to XV, as described in the Second Schedule hereto, shall retire at the end of two years from the date of their appointment:

And provided further that a member co-opted by the Council shall hold office for such period not exceeding three years as the Council shall determine.”.

6. The principal Instrument is hereby amended by deleting therefrom clause 9 and substituting therefor the following new clause: —

“Chairman and Vice-Chairman 9. The Chairman and Vice-Chairman shall be elected by the Council in accordance with the provisions of section 15 of the Ordinance, shall hold office for a period of one year, and shall be eligible for re-election to such office.”.

7. Clause 10 of the principal Instrument is hereby deleted, and clause 11 of the principal Instrument is renumbered 10.

8. Clause 12 of the principal Instrument is hereby deleted, and the following clause, to be numbered 11, is substituted therefor: —

"Functions

11. In addition to those functions conferred upon the Council by the Ordinance or by any other law for the time being in force, the Council—

- (i) shall maintain as from the first day of July, 1958, all highways from time to time classified under the provisions of section 13 of the Highways Ordinance as District Roads in the area of jurisdiction of the Council, and the bridges, culverts, drains and water-courses appertaining thereto;
- (ii) may maintain all those roads and the bridges, culverts, drains and water-courses appertaining thereto, formerly maintained in whole or in part by the Native Authorities of Nzega District from funds provided in the annual estimates of these Authorities;
- (iii) shall maintain all roads other than Main or District Roads in the area of jurisdiction of the Council hitherto maintained in whole or in part out of public funds;
- (iv) shall take measures for the prevention or removal of damage or obstruction to roads which the Council is empowered to maintain;
- (v) may make and maintain new roads and streets and bridges, culverts, drains and water-courses appertaining thereto;
- (vi) may alter, divert or close any road, street or foot-path which it is empowered to maintain either permanently or for such period as may be necessary to enable the maintenance or repair thereof to be carried out;
- (vii) may perform all or any of the functions specified in the following paragraphs of section 52 of the Ordinance: —
 - (1), (3), (4), (5), (10), (11), (12), (13), (16), (17), (18), (20), (21), (28), (31), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), (58), (59), (61), (62), (64), (65), (67), (68), (70), (71), (72), (73), (74), (75), (76), (77), (78), (79), (80), (81), (82), (83), (84), (85), (91), (95), (96), (97), (98), (100), (101), (102), (103), (104), (105), (107), (109), (110), (113), (115), (116), (117), (122), (125), (128), (129), (131), (132), (133), (134), (136), (137), (138), (139), (140), (141), (142), (145), (146), (147), (148), (149), (151), (153);
- (viii) may prepare schemes for consideration by Government for the irrigation of land, the reconditioning of land or the preservation of land and the regulation or control of the use of land whether for

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agricultural, grazing, forestry or any other purpose whether of a like nature to the foregoing or not and may carry out or promote and control any such schemes that may have been approved by Government;

- (ix) may build, equip and let dwelling houses for occupation by the employees of the Council;
- (x) may regulate and control the cultivation of poisonous or noxious plants;
- (xi) may take measures for the prevention and abatement of nuisances;
- (xii) may provide for the control, regulation, inspection, supervision and licensing of—
 - (a) social halls, dance halls and places of entertainment;
 - (b) lodging and eating houses;
- (xiii) may establish, erect, equip and maintain social or welfare centres and public libraries;
- (xiv) may establish, erect, equip and maintain communal feeding centres for the supply of food and drink;
- (xv) may take measures for the prevention of the pollution of water in any river, stream, water-course, well or other water supply in the area;
- (xvi) may make payments in accordance with the Local Authorities (Expenses) Regulations, to the Chairman, Vice-Chairman or any member of the Council in respect of expenses incurred by them in the performance of their duties as Chairman, Vice-Chairman or members as the case may be;
- (xvii) shall maintain, repair and equip and engage and employ such staff as may be necessary for any Local Court, office, lock-up, or other building required for or used in connection with the establishment and running of such court which is situated within its area and set aside, or provide land for and build any such court, office, lock-up or other building when required to do so by the Regional Commissioner of the Region to the satisfaction of the said Regional Commissioner and pay such sitting fees to any member of a Local Court which is situated within its area as are specified from time to time by the Regional Commissioner."

Dar es Salaam,
7th June, 1962

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