

THE LOCAL GOVERNMENT LAWS (MISCELLANEOUS
AMENDMENTS) ACT, 2006

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No.13 OF 2006

I ASSENT,

Juvayya Ninyo

President
 14 December, 2006

An Act to amend certain Local Government Written Laws

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Local Government Laws (Miscellaneous Amendments) Act, 2006.

Short
title and
com-
mence-
ment

PART II

AMENDMENT OF LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT

2. This Part shall be read as one with the Local Government (District Authorities) Act, in this Part referred to as the "principal Act".

Constru-
tion
Cap. 287

3. The principal Act is amended in section 5 by adding immediately after subsection (5) the following subsections:

Amend-
ment of
section 5

"(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.”

Addition
of
section
30A

4. The principal Act is amended by adding immediately after section 30 the following new section—

“The
Ward
Executive
Officer

30A.—(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 cooperative 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;
- (r) to perform such other functions as may be directed by the Director”.

5. The principal Act is amended in subsection (1) of section 35 by adding immediately after paragraph (d), the following paragraph—

Amend-
ment of
section
35

- “(e) a Member of Parliament appointed by the President in accordance with Article 66(1)(e) of the Constitution of the United Republic of Tanzania, 1977 shall be a Member of the Council in which he ordinarily resides:

Provided that, or 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 resident 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, marginalized and disadvantaged groups”.

6. The principal Act is amended by adding immediately after section 35 the following new section:

“Addition
of new
section

Procedure
for
appoint-
ment of
coun-
cillors by
the
Minister

35A.-(1) The appointment made under section 35(1)(f) shall be as the Minister may prescribe in the Regulations.

(2) The appointment made by the Minister under section 35(1)(f) shall have regard to the proportionality of the number of members of those parties elected to the Council.”

Amend-
ment of
section
36

7. The principal Act is amended in section 36 by –
deleting subsection (3) and substituting for it the following provisions:

“(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 44, 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 the Chairmen of the Committees shall correspond to that of the Mayor, Chairman as the case may be 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.”.

(b) by renumbering subsection (4) as subsection (7) respectively.

Repeal
of
section
154

8. The principal Act is amended by repealing section 154.

Amend-
ment of
section
174

9. The principal Act is amended in section 174–

- (a) by re-designating the contents of section 174 as subsection (1);
- (b) by adding immediately after subsection (1) as re-designated the following new subsection—

Cap. 97

“(2) The District Authority shall have the duty to prepare and submit quarterly to the District Commissioner and Regional 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, 1997.”

10. The principal Act is amended in section 174A—

- (a) by re-designating the contents of section 174A as subsection (1);
- (b) in subsection (1) as re-designated by adding immediately after paragraph (f) the following new paragraphs:
 - “(g) provide and secure enabling environment for successful performance of the duties of the district authority;
 - (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 acts and things as shall facilitate or secure the effective, efficient and lawful execution by the district authorities of their statutory or incidental duties.”.
- (c) by adding immediately after subsection (1) as re-designated the following new subsection—

Amend-
ment of
section
174A

“(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 the 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;
- (f) to ensure availability of equipment, human resources and funds for implementation of sectoral programmes in the local government."

Addition
of
section
194A

11. The principal Act is amended by adding immediately after section 194 the following new section—

"Protec-
tion of
assets
and
prop-
erties of
Councils

194A. 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 be awarded to the person entitled to it."

PART III

AMENDMENT OF THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT, 1982

Construc-
tion Cap.
288

12. This Part shall be read as one with the Local Government (Urban Authorities) Act, 1982 hereinafter referred to as the "principal Act".

Amend-
ment of
section 3

13. The principal Act is amended by deleting the definitions of the words "Council", "Director", "urban authority" and substituting for them the following—

"Council" means, when used in relation to—

- (a) a town, the Town Council;
- (b) the municipality, the Municipal Council; and
- (c) the city, the City Council; and includes the City Council established under section 7A of the Act;

"Director" means, when used in relation to—

- (a) a town, the Town Director;
- (b) the municipal, the Municipal Director; and
- (c) the City, the City Director.”

“urban authority” means a town council, a municipal council and a city council.

14. The principal Act is amended in section 5 by deleting the whole of subsections (3) and (4) and substituting for them the following:

Amend-
ment of
section 5

“(3) Where the purpose sought to be achieved by the order under subsection (1) is only to confer on an existing municipality the status of a city, that order shall be made by the President; and where, in respect of an existing village, the purpose is to confer upon it the status of a township council and where in respect of an existing township council the purpose is to confer upon it the status of a town council and where in respect of an existing town council, the purpose is to confer upon it the status of a municipal council the order to be made under subsection (1) shall confer on the authority the new status, and shall determine the name by which that urban area and authority shall be known, and the order shall be deemed to have established the new urban authority.

(4) The urban area of—

- (a) a town council shall be known as a town;
- (b) a municipal council shall be known as a municipality;
- (c) a city council shall be known as a city, and shall be of such characteristics as to size, area jurisdiction functions or other description as may be specified in the order establishing it.”

15. The principal Act is amended in section 14A by adding immediately after subsection (2) the following new subsections:

Amend-
ment of
section
14A

“(3) There is established in each *Mtaa* a *Mtaa* Executive Office which will be headed by a *Mtaa* Executive Officer to be appointed by the urban authority.

(4) The *Mtaa* Executive Officer appointed under subsection (3) shall perform functions as the Secretary to the *Mtaa* Committee and such other functions as may be specified in his letter of appointment or other government directives.”

Addition
of
section
15A

16. The principal Act is amended by adding immediately after section 15 the following new section:

“The
Ward
Executive
Officer

15A.—(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 to—

- (a) represent and assist the Director in overseeing the implementation of development activities in the Ward;
- (b) prepare action plans in respect of all duties and functions conferred upon him and submit them to the Director;
- (c) supervise the Village Executive Officers in the performance of their functions;
- (d) participate and advise in the preparation of development plans in the Ward;
- (e) coordinate action plans and implementation reports for Village Executive Officers within the Ward and submit such plan to the Director;
- (f) attend, advise and provide reports in respect of implementation of activities within the Ward;
- (g) enforce all by-laws in the Ward;
- (h) promote the establishment and development of cooperative enterprises and activities within the Ward;
- (i) supervise and coordinate the implementation of projects and programmes of the Ward;
- (j) supervise the *Mtaa* Executive Officers in the performance of their functions;
- (k) plan and coordinate the activities of and rendering assistance and advice to the residents of the Ward;
- (l) formulate and submit to the village councils or the urban council of proposals for the making of by-laws in relation to the affairs of the Ward;
- (m) monitor revenue collection;
- (n) initiate and promote participatory development in the Ward;

- (o) manage disaster in the Ward;
- (p) promote gender issues in the Ward;
- (q) perform such other functions as may be directed by the Director.

(3) The Secretary of the Ward Development Committee shall record the proceedings of the meeting and shall submit the minutes to the Ward Development Committee and the Director.”

17. Section 19 of the principal Act is amended –

- (a) in subsection(2), by adding immediately after paragraph (c) the following paragraphs:

Amend-
ment of
section
19

“(d) any Member of Parliament appointed by the President shall be a member to a Council in which that Member of Parliament ordinarily resides:

Provided that, where Members of Parliament appointed by the President are more than three, the Minister shall, by order published in the *Gazette*, direct that the rest of Members of Parliament in excess of the three to become Members of the Council in which that Member of Parliament reside;

- (e) not more than three members to be appointed by the Minister whose appointment shall have regard to specific groups including persons with specific expertise, marginalized and disadvantage groups.”

- (b) in subsection (3), by adding immediately after paragraph (c) the following paragraph:

“(d) any other Member of Parliament whose nomination originated from organs of political parties within the area of jurisdiction of the Council;

- (e) any Member of Parliament appointed by the President shall be a member to a Council in which that Member of Parliament ordinarily reside:

Provided that, where Members of Parliament appointed by the President are more than three, the Minister shall by order published in the *Gazette*,

direct that the rest of the Members of Parliament in excess of three to become members of the neighbouring council as if they were ordinarily resident in those councils; and

- (f) not more than three members to be appointed by the Minister.”
- (c) by renumbering subsections (1) to (9) as subsections (2) to (10) respectively.

Addition
of new
section

18. The principal Act is amended by adding immediately after section 19 the following new section:

“Proce-
dure for
appoint-
ment of
Council-
lors by
the
Minister

19A.—(1) The appointment made under section 19(3)(f) shall be as the Minister may prescribe in the Regulations.

(2) The appointment made by the Minister under section 19(3)(f) shall have regard to the proportionality of the number of members of those parties elected to the Council.”

Amend-
ment of
section
20

19. Section 20 of the principal Act is amended—

- (a) in subsection (3) by inserting immediately before the words “town council” the words “township council and”;
- (b) by deleting subsection (4) and substituting for it the following:

“(4) The Chairman and the Mayor shall, unless one sooner resigns or otherwise ceases to be a member, hold office for a term of five years or such shorter period as the Council may, by resolution determine; and the Vice-Chairman and a Deputy Mayor shall hold office for one year or such term, as the Council shall determine.”;

(5) Where for any reason, the ordinary term of Office of a Mayor, or a Deputy Mayor is altered, the term of office of the Chairmen of the

Committees shall correspond to that of the Mayor, Chairman as the case may be in accordance with the resolution of the Council and members thereby shall be proportional to the members representing each political party in the Council.”

20. The principal Act is amended in section 54A—

Amend-
ment of
section
54A

- (a) by re-designating the contents of section 54A as subsection (1);
- (b) by adding immediately after paragraph (g) the following new paragraphs:

“(h) provide and secure enabling environment for successful performance of the duties of the urban authority;

(i) ensure compliance by all persons and urban authorities with appropriate government decisions, guidelines in relation to the promotion of the local government system;

(j) do such acts and things as shall facilitate or secure the effective, efficient and lawful execution by the urban authorities of the statutory or incidental duties.”

- (c) by adding immediately after subsection (1) as re-designated the following new subsection:

“(2) Sector Ministries shall, in relation to local government 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 the local government authorities;

(c) to undertake monitoring and evaluation of the technical personnel’s performance of their

- (d) to ensure all posts as required by the establishment of a particular profession are properly filled;
- (e) to ensure human resources development;
- (f) to ensure availability of equipment, human resources and funds for implementation of sectoral programmes in the local government authorities.”

Amend-
ment of
section
78

- 21.** The principal Act is amended in section 78—
- (a) by re-designating the contents of section 78 as subsection (1);
 - (b) by adding immediately after subsection (1) as re-designated the following new subsection—

“(2) The urban authority shall have the duty to prepare and submit quarterly to the Regional Commissioner a progress report of its implementation of development plans or such other report as may be required by the District Commissioner and Regional Commissioner in relation to his functions under the Regional Administration Act, 1997.”

Addition
of
section
109B

- 22.** The principal Act is amended by adding immediately after section 109A the following new section—

“Protec-
tion of
assets
and
prop-
erties of
councils

109B. Where any decree or order is granted or obtained against the Urban Council, no execution or attachment or process of that nature shall be issued against the property of the Council, except that the Urban Council Director shall cause to be paid out of the revenue of the Council such amount as may by judgement, or order be awarded against the Council to the person entitled to it.”

PART IV

AMENDMENT OF THE LOCAL GOVERNMENT (ELECTIONS) ACT

Construc-
tion Cap.
292

- 23.** This Part shall be read as one with the Local Government Elections Act, hereinafter referred to as the “principal Act”.

24. Section 12 of the principal Act is amended by –

Amend-
ment of
section
12

- (a) deleting subsection (1) and substituting for it the following–

“(1) There shall be held an ordinary election of councilors of the local government authorities in every fifth year after the previous ordinary election whenever a new Council is established.”;

- (b) adding immediately after subsection (1) the following subsection–

“(2) Notwithstanding the provisions of subsection (1), the ordinary election shall not be held where establishment of a new Council has not altered the boundaries of the Parliamentary constituencies.”;

- (c) renumbering subsection (2) as (3).

PART V

AMENDMENT OF THE REGIONAL ADMINISTRATION ACT

25. This Part shall be read as one with the Regional Administration Act, hereinafter referred to as the “principal Act”.

Construc-
tion Cap.
97

26. The principal Act is amended in section 5 by deleting the whole of subsection (3) and substituting for it the following:

Amend-
ment of
section 5

“(3) For purposes of this section, it shall be the duty of the Regional Commissioner to facilitate and assist local government authorities in the region to undertake and discharge their responsibilities by–

- (a) providing and securing the enabling environment for successful performance by them of their duties and functions;
- (b) ensuring compliance by all persons and authorities with appropriate government decisions, guidelines and regulations in relation to the promotion of the local government system;

- (c) doing all such acts and things as shall facilitate or secure the effective, efficient and lawful execution by the local authorities of their statutory or incidental functions.”

Amend-
ment of
section 8

27. The principal Act is amended in section 8—
- (a) in subsection (2) by deleting paragraph (f) and substituting for it the following:
“(f) Members of Parliament whose nomination originated from political parties within the region;
- (g) Members of Parliament appointed by the President pursuant to Article 66(1)(e) of the Constitution of the United Republic hailing from the region.”

Amend-
ment of
section 9

28. The principal Act is amended—
- (a) by adding immediately after paragraph (e) the following new paragraph:
“(f) to receive and consider reports from the District Consultative Committee;”;
- (b) by renaming paragraph (f) as paragraph (g).

Amend-
ment of
section
11

29. The principal Act is amended by repealing the whole of section 11 and substituting for it the following:

“Functions
of the
Regional
Secretar-
iat

11. The functions of the Regional Secretariat shall be to—
- (a) monitor sectoral trends;
- (b) provide technical and administrative assistance to offer policy interpretation;
- (c) recommend new strategies and techniques for overcoming bottlenecks for productivity;
- (d) identify development opportunities;
- (e) monitor quality and standards of service delivery including training;
- (f) enhance institutional capacity; and
- (g) carry out delegated development of Ministries.

30. The principal Act is amended by adding immediately after section 15 the following new section—

Addition
of
section
15A and
15B

“The
District
Consulta-
tive
Commit-
tee

15A.—(1) There is hereby established in respect of each District Committee to be known as the District Consultative Committee.

(2) The District Consultative Committee shall consist of—

- (a) the District Commissioner who shall be the Chairman;
- (b) the Chairman of the District Authority or the Urban Authority within the district;
- (c) the Divisional Secretaries in the District;
- (d) a Member of Parliament representing constituency in the district;
- (e) Members of Parliament whose nomination originated from political parties within the region;
- (f) Members of Parliament appointed by the President pursuant to Article 66(1)(e) of the Constitution of the United Republic 1977 hailing from the region;
- (g) all Heads of Division in the Councils;
- (h) all Ward Executive Officers in the Councils;
- (i) Chairman and Secretary of registered political parties having offices within District.”
- (j) Such other members as may be co-opted or invited by the Chairman to the District Consultative Committee.

(3) The Council Director shall be the Secretary to the District Consultative Committee.

Functions
of
District
Consulta-
-tive
Commit-
tee

“15B. The functions of the District Consultative Committee shall be to—

- (a) receive reports on development programmes reports and give advice to effective implementation of the development plans;
- (b) consider reports and advise Regional Commissioner on National Development Project;
- (c) consider reports and advise on the activities of parastatals cooperative societies and other

- non-governmental organization operating in the district;
- (d) ensure that local government authorities execute and implement their development activities as mandated in the development plans;
 - (e) ensure effective implementation of the Council decisions;
 - (f) ensure adherence to code of conduct for political parties in maintenance of peace and tranquillity within the District;
 - (g) manage natural disasters and coordinate disaster relief within the District,
- for avoidance of doubt, natural disaster includes occurrences such as earthquakes, hurricanes, floods, drought, fire, famine or epidemics.

Amend-
ment of
section
17

31. The principal Act is amended in section 17—

- (g) by deleting subsections (1) and (2) and substituting for them the following—

Cap.298

“(1) There shall be appointed by the appointing authority under the Public Service Act, 2002 for each division established under the Act, a public officer designated as a Divisional Secretary.

(2) The Divisional Secretary shall perform such functions as are or may be conferred on him by or under this Act, the Act or any other written law.

(3) Every Divisional Secretary shall in performing his duties and functions be responsible and accountable to—

- (a) in the case of functions and duties relating to the defence and security matters, the District Administrative Secretary;
- (b) in relation to functions and duties relating to divisional development, to the District Executive Director.

(4) For the purpose of this section, the functions and duties of the Divisional Secretary means the functions and duties specified under this Act or the Act.”;

- (b) by renumbering subsection (3) as subsection (5);
- (c) by adding immediately after section 17 the following new sections—

“Functions
of the
Divisional
Secretary

17A. The functions of the Divisional Secretary shall be—

- (a) the represent and assist the District Commissioner in the implementation of Central Government activities in the Divisions;
- (b) the prepare and coordinate information or reports relating to defence and security in wards within the Division and submit them to the District Commissioner and the Director;
- (c) overseeing implementation of the decisions and politics of the Central Government within the Division ;
- (d) sensitizing and mobilizing the residents within the Division to participate in development activities;
- (e) to be a liaison between the Central Government and the residents within the Division;
- (f) to coordinate all activities connected with disaster and emergency management within the Division;
- (g) to deal with complaints from residents within the Division;
- (h) to prepare implementation report in the Division and submit to the District Commissioner; and
- (i) to do any other function or duty as may be assigned to him by the District Commissioner.”

Passed in the National Assembly on the 11th November, 2006.


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Clerk of the National Assembly