



THE DISTRICT AND TOWN COUNCILS ACT, 1995.

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ACT NO.4 OF 1995

I ASSENT

Salim Amour

SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

15th March

.....1995.

AN ACT TO ESTABLISH THE DISTRICT AND TOWN
COUNCILS AND OTHER MATTERS CONNECTED THEREWITH.

ENACTED by the House of Representatives
of Zanzibar.

PART I
PRELIMINARY.

Short title
and
commencement.

1. This Act may be cited as the District
and Town Councils Act, 1995 and shall come into
operation immediately after being assented to by the
President.

Interpretation.

2. In this Act, unless the context otherwise
requires :-

"Authority" means the township authority;

"Chairman" -

- (a) when used in relation to a District
Council means the Chairman of the
District Council;
- (b) when used in relation to a Town Council
means the Chairman of that Town Council;
- (c) when used in relation to a Committee or
other body of persons means the Chairman
of that Committee or that other body of
persons and includes the Vice-Chairman



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of the Council, Committee or of any other person acting in the absence of the Chairman and the Vice-Chairman when he exercises the function or discharges the duties of the office of the Chairman pursuant to the provisions of this Act.

"Council" -

- (a) when used in relation to a district means the District Council for that district;
- (b) when used in relation to a Town means the Town Council for that Town;

"Commission" means the Zanzibar Electoral Commission;

"Clerk"

- (a) in relation to a District Council means the District Clerk appointed under the provisions of this Act for that District Council;
- (b) in relation to a Town Council means the Town Clerk appointed under the provisions of this Act for that Town Council;

"Government" means the Central Government;

"Minister" means the Minister responsible for the Local Governments;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Town" means an area over which a Town Council is established or deemed to have been established under the provisions of this Act.

PART II

ESTABLISHMENT OF A DISTRICT AND A TOWN COUNCIL.

3.(1) It is hereby established in each administrative district of Zanzibar a District Council to carry out duties and functions conferred upon it within its area of jurisdiction, under the provisions of this Act.

Establishment
of a District
Council.



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(2) In every District where a City, Municipality or Town Council is established under this Act or any other law, the jurisdiction of the District Council shall be excluded from that area and the District Council shall not operate in that area as provided in this Act.

(3) There shall be no duplication of duties between the District Council, City, Municipality or Town Council.

Composition
of the
District
Council.

4. Every District Council shall consist of -
- (a) a Chairman who shall be elected from among the Councillors of that District;
 - (b) a Vice-Chairman who shall also be elected from among the Councillors of that District;
 - (c) all Councillors of the District elected by the people from the Shehias of that District, who shall be not less than ten and not exceeding fifteen members;
 - (d) every head of a Government department in that District shall be an ex-officio member with right to participate in the deliberations thereof, but shall not be entitled to vote;
 - (e) a clerk of a District Council who shall be the Secretary of the Council.

Functions
of the
Council.

- 5.(1) Every District Council shall perform, in relation to its area of jurisdiction the following functions :-
- (a) to formulate, co-ordinate and supervise the implementation of plans for the economic, commercial, industrial and social development;
 - (b) to ensure the collection and proper utilisation on the revenues of the Council;
 - (c) to make by-laws applicable throughout its area of jurisdiction; and

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- (d) to consider, regulate and co-ordinate development plans, projects and program of villages and township Councils within its area of jurisdiction.

(2) In particular, but without prejudice to the generality of subsection (1), and 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 or possession of poisons;
- (c) to monitor or regulate the use of any agricultural land; as defined and allotted under the land useplan;
- (d) 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;
- (e) prepare planning schemes and undertake measures required by any law for the time being in force relating to development in the area;
- (f) control the gaining of building minerals such as stone, sand, clay and lime;
- (g) prohibit and regulate the movement of any livestock husbandry;
- (h) require adult resident of the area who occupy agricultural land in accordance with customary law to cultivate that land and other residents to take measures to require and cultivate land subject to the laws of the Council; and
- (i) make by-laws.

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Establishment
of a Town
Council.

6.(1) There is hereby established a Town Council in each of Chake Chake, Wete and Mkoani Towns and shall exercise all powers conferred upon it, under the provisions of this Act, within its area of jurisdiction.

(2) The Minister may, by order published in the Gazette, establish any area to be Town Council.

(3) In exercising of the powers conferred upon him under subsection (2) of this section the Minister shall comply with the national policy on the development of that area or areas particularly for the purpose of promoting, developing and maintaining an effective and efficient system of local government.

Procedure for
establishment
of Town
Council.

7.(1) No Town Council shall be established except in accordance with the procedure prescribed by this section.

(2) Where it is intended to establish a Town Council in respect of any area or areas, the Minister shall at least two months before making an establishment order under section 6, by notice published in the Gazette, and in any national newspaper, or as the case may be, or any newspaper, circulating in the area or areas in which it is intended to establish the Town 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 objection or other presentations in such a manner and within such a time as may be prescribed.

(3) If, upon the expiration of the notice, no objection 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 6.

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(4) Where any objection or other presentations 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 person lodging the objection or other presentations concerned, and shall take into account the objections or representations of Town Council.

(5) As soon as possible after making the order under section 6 the Minister shall lay before the House a copy of the notice issued under subsection (2) together with a copy of the order subsequently made under section 6.

Certificate of establishment.

8.(1) As soon as possible after the order made under section 6 and the notice issued under section 7 in respect of any Town Council have been tabled before the House and in any case not later than the date specified in the establishment order as its date of commencement, the Clerk of the House of Representatives shall furnish to the Town Council or Councils established or to be established or whose boundaries are varied or are to be varied, as the case may be, a certificate under his hand containing the particulars prescribed by this section.

(2) A certificate shall specify the following :-

- (a) the name of the Town Council being established;
- (b) the total number of residents;
- (c) the number of elected members and appointed members;
- (d) the place where the head office of the Council shall be situated;
- (e) such other particulars as the Minister may from time to time determine.

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Composition
of a Town
Council.

9. A Town Council shall consist of the following members :-

- (a) a Chairman who shall be elected from among the Councillors of that Town;
- (b) a Vice-Chairman who shall be also elected from amongst the Councillors of that Town;
- (c) all Councillors of the Town elected by the people from the wards of that particular Town;
- (d) not more than two Councillors nominated by the Minister from amongst lawyers, economists and persons with adequate knowledge and experience in the management of Government or public affairs;
- (e) a Clerk of a Town Council who shall be the secretary of the Council.

Chairman and
Vice-
Chairman.

10.(1) At the first meeting of the Council immediately after the election, there shall be elected by ballot one member of the Council to be Chairman and another to be Vice-Chairman and such Chairman and Vice-Chairman shall hold office for five years period or until their successors are elected in accordance with the provisions of this Act or any other Act.

(2) At the election of Chairman or Vice-Chairman the members present shall elect a Chairman from among themselves to preside for the purpose of such election.

(3) The person presiding at proceedings for election under this section shall have a deliberative vote only and if there is an equality of votes for two or more candidates he shall determine the election by lot.

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(4) The Vice-Chairman shall, wherever it is necessary owing to the death, resignation, absence, illness or incapacity of the Chairman, and until such time as a new Chairman is elected under the provisions of this Act or any other Act in the case of the office of Chairman falling vacant, be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Chairman under and by virtue of this Act.

Removal of
Chairman
from the
office.

11.(1) Notwithstanding any provisions of this Act, the Council may pass a resolution for the removal of the Chairman from the office if such resolution is proposed and passed in accordance with the provisions of this section.

(2) Without prejudice to the provisions of this section, no resolution for the removal of Chairman shall be proposed unless -

- (a) notice in writing, signed by not less than half of the members of the Council is given to the Clerk at least fourteen days before the date of being submitted to the Council;
- (b) when the Clerk is satisfied that the notice for such resolution has fulfilled the conditions prescribed by this section, and that such notice has specified the reasons for such resolution, the said notice shall be submitted to the Council.

(3) A resolution for the removal of Chairman shall not be passed unless -

- (a) notice in writing signed by not less than half of the members of the Council is given to the Clerk fourteen days before the date of being submitted to the Council;



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(b) when the Clerk is satisfied that the notice for such resolution has fulfilled the conditions prescribed by this section, and that such notice has specified the reasons for such resolution, the said notice shall be submitted to the Council.

(4) Where the Clerk is satisfied and decided to submit the proposed resolution to the Council it shall be submitted as soon as may be practicable and the Council shall discuss and decide on the motion for the said resolution in accordance with its standing orders.

(5) When the Council is discussing the motion for the said resolution, the Vice-Chairman shall preside the meeting and the Chairman shall have the right to appear and defend his case before the Council.

(6) A resolution for the removal of Chairman shall be passed if it is supported by not less than two thirds of the members of the Council.

(7) As soon as may be practicable, and in any case, within seven days of the resolution for the removal being passed by the Council, the Vice-Chairman shall submit the said resolution to the Minister and the Chairman shall be required to resign from office within seven days and if he fails to do so within that period he shall be deemed to have been resigned, and the Council, within forty days, shall elect another member of the Council to be the Chairman.

Councillors
not full
time.

12.(1) The Chairman, Vice-Chairman and other Councillors shall not be full time officers of the Council and shall not be paid any salary.

(2) The Councillors shall be paid allowances as is fixed from time to time by the Council and approved by the Minister.

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Functions of
the Town
Council.

13. It shall be the responsibility of each
Town Council -

- (a) to maintain and facilitate the maintenance of peace, order and good governance within its area of jurisdiction; enforce town planning and adherence to master plan;
- (b) to promote the social welfare and economic well being of all persons within its area of jurisdiction;
- (c) subject to the national policy and plans for rural and Town Council development to further the social and economic development of its area of jurisdiction;
- (d) for the suppression of crime, the maintenance of peace and good order and the protection of public and private property lawfully acquired;
- (e) for the regulation and improvement of agriculture, trade, commerce and industry;
- (f) for the furtherance and enhancement of the health, education, and the social, cultural and recreational life of the people;
- (g) for the relief of poverty and distress and for the assistance and improvement of life for the young, the aged and disabled or infirm.

Duties of
the Town
Council.

14. Subject to this Act, it shall be the duty
of every Town Council within its area of jurisdiction -

- (a) to undertake all other works, matter and service necessary for or conduct to the public safety, health or conveyance, as it shall think fit, or which the Minister may from time to time decide to be the functions of the Town Council;



- (b) to regulate the use and conduct of public vehicles plying for hire and their fares to regulate the routes and parking places to be used by such vehicles, to appropriate particular routes, roads, streets and parking places to be specified classes of traffic, and when necessary to provide for the identification of all licensed vehicles;
- (c) to keep clear all trunk roads within the area of Town Council;
- (d) to make, keep and maintain clear and in good order and repair all streets and sewers together with all buildings, machinery, works and things belonging there to which have or shall become vested in the Town Council, and to provide for the drainage of surface waters. The Town Council shall have power to divert or alter the course of any of the said streets or sewers and to keep the same clear of obstructions so as not to be a nuisance or injurious to health;
- (e) to name or re-name where necessary all streets (such names to be affixed in conspicuous places therein), and to cause the buildings in such streets to be numbered;
- (f) to regulate any trade or business which may be noxious, injurious, to the public health or a source of public danger, or which otherwise it is in the public interest expedient to regulate, and provide for the issue of licences or permits to facilitate the regulation of such trade or business, and for the imposition of fees in respect of such licences or permits;



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- (g) to provide for the prevention and abatement of public nuisances or of nuisances which may be injurious to the public health or to the good order of the area of the Council;
- (h) to provide for and maintain a supply of electric lighting or other means of lighting the streets and truck roads (including bridges carrying truck roads) and to provide such **lamps**, lamp posts and other materials and apparatus as may be deemed necessary for lighting its area.

Committee of the Town Council.

15. Every Council shall establish the following standing committees :-

- (a) a standing committee responsible for Finance and Town Planning;
- (b) a standing committee responsible for Man-power Development and Legal Affairs;
- (c) a standing committee responsible for the protection of Environment and Social Welfare.

A Clerk.

16. There shall be a Clerk of a Council who shall be appointed by the Minister.

Function of the Clerk.

17.(1) A Clerk shall be the chief executive officer and the accounting officer for his Council, and in those capacities shall -

- (a) be responsible for the implementation of all decisions taken by the Council;
- (b) supervise and co-ordinate the activities of all officers and departments of the Council and day to day functions of the Council;
- (c) supervise and co-ordinate the activities of all seconded officers; and
- (d) have custody of all documents of the Council.

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(2) In addition to the duties under subsection (1), the Clerk shall perform all statutory duties and functions which he is required to do by this Act or any other law.

Council to be body corporate.

18. A Council shall under that name be body corporate and shall -

- (a) have perpetual succession and common seal;
- (b) be capable in law of suing and being sued;
- (c) subject to this Act, be capable of holding, acquiring, purchasing and alienating land, and disposing of any movable property;
- (d) be capable of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Act and any other Act.

Elections.

19(1) The elections of the Council shall be held under the Elections Act, 1984 or some other regulations made by the Zanzibar Electoral Commission in that behalf.

(2) The Commission in consultation with the Minister shall specify the boundaries of the wards for the purposes of the Local Government Elections.

(3) Every Town shall be divided into seven wards for the purposes of the elections of the Councillors of that Town.

PART III

MEETINGS AND PROCEEDINGS OF THE COUNCIL.

Annual Meeting.

20.(1) The Council shall in every year hold an annual meeting and at least three other meetings which shall be as near as may be at regular intervals, for the transaction of general business.

(2) The first annual meeting of the Council shall be held within one month of the result of election and thereafter at twelve monthly intervals.



(3) The other meetings of the Council shall be held on such other days before the annual meetings following as the Council at the annual meeting decides or by standing order determines.

(4) The Chairman at any time and shall at the request in writing signed by not less than one third of the Councillors call a meeting of the Council and the day fixed for such meeting shall be within fourteen days of the presentation of such request.

Notice of meetings.

21. The Clerk shall give at least one week's notice in writing to each of the members of the Council specifying the time and place appointed for and the business proposed to be transacted at a meeting of the Council, provided that the accidental omission to serve such notice on any member shall not affect the validity of any meeting.

Record of attendance and quorum.

22.(1) The names of the members present at a meeting of the Council shall be recorded.

(2) Save as otherwise provided by this Act, all acts, matters and thing authorised or required to be done by the Council and all questions that may come before it, shall be done and decided by majority of the members present and voting at any meeting at which they are present not less than one half of the members or such larger proportion thereof as the Council may from time to time by standing order determine.

Chairman to preside and have a casting vote.

23.(1) Subject to other provisions of this Act, at every meeting of the Council the Chairman or in his absence the Vice-Chairman shall preside.

(2) In the absence of the Chairman and of the Vice-Chairman the members present shall elect a Chairman from amongst themselves to preside at such meeting.

(3) In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote.



Validity of
acts of
Council and
officers.

24. All lawful acts of the Council or any person acting as Chairman or Vice-Chairman, Member, Clerk or any other officer of the Council, as the case may be, shall, notwithstanding that it be discovered that there was some defect in the election or appointment of any such person or that he was disqualified, be as valid and effectual as if such person had qualified.

Exemption
of members,
etc. from
personal
liability.

25. No matter or thing done or omitted to be done and no contract entered into by the Council, and no matter or thing done or omitted to be done by any member or officer of the Council or other person acting under the direction of the Council, shall, if the matter or thing was done or omitted to be done or the contract was entered into in good faith, for the purpose of this Act or of any by-law in force in the Town or District exempt any such person to any action, liability, claim or demand whatsoever, and any expense incurred by the Council or any such person in consequence of such action, shall be paid by the Council out of its revenues.

Authentication
and
execution of
documents.

26.(1) Every order, notice or other document requiring authentication by the Council shall be deemed to be sufficiently authenticated if signed by the Clerk or by any other officer of the Council, duly authorised in that behalf by any resolution or standing order of the Council.

(2) Every Contract, instrument and document which the Council is lawfully empowered to execute shall be sealed with the common seal of the Council in the presence of the Chairman or Vice-Chairman and the Clerk or any other officer of the Council, duly authorised in that behalf by resolution or standing order of the Council.

Standing
order.

27. Subject to the provisions of this Act, and to the approval of the Minister the Council may make standing orders for the regulation of its proceedings and business and may vary, amend or revoke any such orders.



PART IV.
THE TOWNSHIP AUTHORITY.

Power to
establish
Township
Authority.

28. The Minister may by order publish 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 purpose of establishing, promoting, developing and maintaining an effective and efficient system of local Government.

Membership.

29. The Township Authority shall be composed of -
- (a) a Chairman who shall be elected among the members of the Authority;
 - (b) not less than five members and not more than ten members elected from that Township Authority;
 - (c) an Executive Officer who shall be appointed by the Authority.

Executive
of the
Township
Authority.

30. The Executive Officer of the Township Authority may be appointed by the members of the Township who shall supervise day to day functions of the Township and he can appoint few people to assist him.

Functions
and power
of the
Township
Authority.

31.(1) A Township Authority shall perform such functions as are conferred upon it under the order issued by the Minister and may, subject to the approval of the Minister, make By-laws for any such functions as are necessary or desirable for the safety and well being of the inhabitants of its area or for the good rule and government of its area.

(2) In particular and without prejudice to the generality of the foregoing such By-laws may be for any of the following purposes :-

- (a) the preservation of public decency and suppression of prostitution;
- (b) the control of migration of young persons to towns;



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- (c) subject to the provisions of any other law, the prohibition, regulation and licensing of any local trade or business;
- (d) the conservation and development of livestock and poultry;
- (e) the suppression of vermin or ownerless dogs;
- (f) subject to the provisions of any other law, prohibition and regulation of ngomas and other dances and entertainments;
- (g) the control, management and regulation of social centres;
- (h) sanitation and other matters relating to public health;
- (i) the protection of crops;
- (j) the regulation of fishing;
- (k) the regulation of woodcutting;
- (l) the building of better houses;
- (m) regulating the removal of stone, sand, wood or such other natural resources as may be approved by the Minister responsible for natural resources;
- (n) the management and control of markets in the local government area;
- (o) regulating the storage of any goods in any building or place belonging to the local government;
- (p) to do all other things which they deem fit.

Power to
make
By-laws.

32.(1) The Township Authority may make by-laws and such by-laws shall only come into operation after the approval of the Minister.

(2) Any by-laws made under this Act shall be published in the Gazette.

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Voluntary contribution.

33. A Township Authority may by resolution provide for the collection of moneys within its area by voluntary contribution, such resolution shall be of no effect unless it is approved by the Minister.

Revenues.

34. The following moneys shall be paid into the revenues of the Township Authority :-

- (a) money raised by voluntary contributions under the provisions of this Act;
- (b) fees and charges paid under the provisions of this Act or any by-laws made by the Township Authority;
- (c) payments made to the Township Authority under the provisions of any other law;
- (d) any other moneys which the Minister of Finance may authorise to be paid into the revenues of the Township Authority.

Committee.

35. The Township Authority shall be composed of the following Committees which shall be responsible to the management of the Township affairs in the running of the day to day work:-

- (i) the Committee for Finance, Planning and Administration;
- (ii) the Committee for Economic and Social Services.

Meetings.

36. At every meeting of Township Authority the Chairman or in his absence the Vice-Chairman shall preside, or in the absence of the Chairman and Vice-Chairman from any meeting, the members present shall elect one of their members to be Chairman at that meeting.

Quorum.

37. At least one-half of the members of the Township Authority must be present to constitute a quorum.



Attendance. 38. A member who for any reason fails to attend three consecutive ordinary Township Authority meetings without informing the Chairman before a meeting of his inability to attend shall forfeit his seat.

PART V.
FINANCIAL PROVISIONS.

Financial year and Regulations. 39.(1) The financial year of the Council shall be a period of twelve months as stated in the order issued by the Minister.

(2) The Minister may make financial regulations prescribing the manner in which the financial business of the Council shall be controlled and managed.

(3) Surcharge may be imposed on Councillors or members of staff responsible for loss of money or loss or damage to property or stores in accordance with financial regulations made under this Act.

Sources of revenue.

40.(1) The revenues, funds and resources of a Council shall consist of :-

- (a) such proportion as the Minister may, with the approval of the Minister for the time being responsible for finance, determine of the revenue collected by the Government;
- (b) fifty percent of all the fees for licences granted under the licensing authority;
- (c) all money derived from the registration of taxi cabs plying within the area of the Council;
- (d) all fees for licences granted within the area of the Council under the Auctioneers Laws;
- (e) all moneys derived from any trade, industry, works services or other undertaking carried on or owned by the Council;



- (f) all assets vested in the Council or rents on such properties;
 - (g) all fees for licences in respect of theatres or other places of public entertainment within the area of the Council;
 - (h) all moneys derived from fees for licences, permits, dues or other charges payable pursuant to the provisions of any by-law made by the Council;
 - (i) all moneys derived from fines imposed by, or value of all things and articles forfeited as a result of an order of, any court in consequence of a contravention of any provision of this Act, or any by-law of the Council in relation to markets, animals, pounds or recreation;
 - (j) all moneys raised from the sale or other disposition of things and articles of the Council;
 - (k) all moneys derived from fees paid in respect of rents of shops, butcheries, market stalls, user charges, service charges and entertainment taxes;
 - (l) all moneys derived from rents or fees collected for renting or use of public houses or buildings owned by the Council;
 - (m) property tax charged on immovable properties in the area of the Council.
- (2) A Council may charge fees, rates of dues in respect of service provided by it and, moneys derived from fees or dues chargeable in respect of those service, activities and programmes.
- (3) Any other money lawfully derived by a Council from any other sources not expressly specified in subsection (1) or (2) shall be and form part of the revenues, funds and resources of the Council.



(4) All revenues of a Council shall be paid into the general fund of the Council.

(5) All revenues derived from the fees charged from the sale of movable property exceeding shillings three thousand in value.

Budget of
the
Council.

41.(1) A Council shall prepare and approve a budget for each financial year as directed by the Minister.

(2) The budget shall establish level of revenues, and expenditure shall not exceed the revenues estimates unless the deficit is covered by secured funds to be made available to the Council.

(3) All payments, expenditure and drawing of funds from the Council shall be made in accordance with the approved budget of the Council and accounting principles.

Account to
be kept.

42. Every Council shall keep proper books of accounts and other records in relation thereto and shall balance its accounts for that year and produce statements of final accounts within three months from the end of each financial year.

Account
to be
audited.

43.(1) The account of every Council shall be audited by the Auditor General or an auditor appointed by him within three months.

(2) The Auditor-General shall give his report and any other matter arising from his audit that he wishes to bring to their notice, to the Minister responsible for Finance, the Minister and the Council for which the accounts would have been audited.

(3) A Council shall give the Auditor-General all the information and facilities required to perform the auditing.



Internal
Audit.

44.(1) Every Council shall provide for internal audit.

(2) The Head of Internal Audit shall be responsible to the Council.

(3) The Head of Internal Audit shall prepare quarterly reports which will be considered by the Finance Committee and shall give a copy of the report to the Ministry responsible for Local Governments.

PART VI.

MISCELLANEOUS PROVISIONS

Power of
the
Council.

45.(1) The Council shall be responsible for all policy matters relating to the Council, co-ordination with the Government and other bodies in the interest and for the benefit of the residents in the area.

(2) The Council shall prepare the annual estimates for revenue and expenditure for the twelve months of each financial year and such estimates shall be approved by the majority of members voting and shall be submitted to the Minister for approval.

(3) The Council shall employ officers and other staff to work in the Council and shall allocate duties and responsibilities as they deem fit and set remunerations, terms of service, allowances and other benefits relating to their duties and responsibilities in the Council.

Power to
Minister.

46.(1) For the purposes of discharging the responsibility in relation to local government imposed on him by the provisions of this Act, 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 cause modifications to be made in the development plans of any person



or 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 plan of any institutions so as to facilitate the proper education and training of manpower for the staffing of local government institution;
- (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 designated to or may further the promotions of efficient and democratic local government, having regard at all times to the national interests and the interests of the people of United Republic;
- (d) make Regulations for the election of members and chief executive of the local government and any other thing which in his opinion may be beneficial in furtherance of the local government.

(2) 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 Town Council of the functions conferred and the duties imposed on it by this Act, and may for that purpose invoke any of the power vested in him by the provisions of this part, subject to the other provisions of this Act or any other written law.

47.(1) If, after due inquiry, the Minister is satisfied that any Town Council has made default in the performance of any functions conferred or imposed upon it by this Act or any other written law for the time being in force, he may take an order,

Power to dissolve Council prematurely.



to be published in the Gazette, declaring the authority to be in default and may, be 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 for such of the functions of the authority in default as may be specified in the order.

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

(3) Where an order made under subsection (1)(a) of this section involves default in the performance of any or 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 such of its functions as may be specified in the order and, where he dissolves the authority he shall specify a date, being not later than six months from the date of dissolution, for the holding of election to constitute a new authority, or nomination for re-election.

(4) Every order made under this section shall be laid before the House of Representatives at its next meeting following the making of the order.

(5) Any person or body of persons to whom any of the functions of Town Council 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 power of affixing its official seal.

Protection from court action.

48. No act, matter or thing done or omitted to be done by -

- (a) any members of a Council or or a Committee of a Council;
- (b) any members of staff or other person in the services of a Council; or
- (c) any person acting under the direction of a Council,

shall if that act, matter or thing was done or omitted in good faith in the execution of his duty or under direction, render that member or person personally liable to any civil action, claim or demand.

Repeal and saving.

49.(1) Part I, Part II and Part III of the Local Government (District and Urban Authorities Act, 1986) are hereby repealed.

(2) Notwithstanding the repeal under subsection (1), any subsidiary legislation made under those parts which is required by the Councils under this Act for the proper operation and administration of the Councils or for the better carrying into effect the provisions of this Act, shall remain in force until revoked by the relevant Council or the Minister, as the case may be.

Transfer of assets and liabilities.

50.(1) All property and assets which were vested in the constituent Governments immediately before the commencement of this Act shall vest in the Councils subject to all interests, liabilities, charges, obligations and trusts affecting that property.



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(2) Any pending court proceedings, court actions, judgments or court orders which were enforceable by or against any Constituent Government before the coming into force of this Act, and are connected with the assets vested in the Council or the functions and powers of the Council, shall be enforced by or against that Council concerned as it would have been enforced by or against the Constituent Government before the commencement of this Act.

Passed in the House of Representatives
on the 19th day of January, 1995.

KJC Chande

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.