

TANGANYIKA



No. 59 OF 1963

I ASSENT,

Julius K. Nyerere
President

24TH DECEMBER, 1963

An Act to make further provision for the Local Government Service

[.....]

WHEREAS by a Scheme made pursuant to section 139 of the Local Government Ordinance provision is made for the establishment of a Local Government Service and a Local Government Service Commission and for the maintenance and control of such Service:

AND WHEREAS it is expedient that certain powers and functions in relation to such Service and to such Commission be vested in the President:

NOW THEREFORE be it enacted by the Parliament of Tanganyika as follows:—

1. This Act may be cited as the Local Government Service Act, 1963, shall be read as one with the Local Government Ordinance (hereinafter referred to as the Ordinance), and shall come into operation on such date as the President shall, by notice in the *Gazette*, appoint.

Short title,
construction
and com-
mencement
Cap. 333

2. In this Act, unless the context otherwise requires—

Interpretation

“the Scheme” means the Local Government Service Scheme, 1962, as amended from time to time;

G.N. 1962
No. 299

“the Commission” means the Local Government Service Commission established by the Scheme, and includes any other commission established by any other scheme which replaces the Scheme;

“the Service” means the Local Government Service established by the Scheme, and includes any other service established by any other scheme which replaces the Scheme.

Transfer of powers to amend, etc. the Scheme and make regulations to President G.N. 1962 No. 478

3. Subject to the provisions of this Act—

- (a) the power to amend the Scheme, vested in the Minister for Local Government in accordance with the Transfer of Powers and Duties (Consolidation) Order, 1962, is hereby transferred to and vested in the President and shall be exercised by him in accordance with subsection (5) of section 139 of the Ordinance;
- (b) power to revoke and replace the Scheme is vested in the President, subject to the approval of the National Assembly;
- (c) the references to the Commission in subsections (2A) and (2B) of section 139 of the Ordinance shall be read and construed in respect of any time, or period commencing, on or after the date on which this Act comes into operation, as references to the President.

Constitution of offices and appointments in the Local Government Service

4. Subject to the provisions of this Act, on and after the date on which this Act comes into operation—

- (a) the power of constituting and abolishing offices in the Service;
- (b) the powers of making appointments to offices in the Service and to offices in the service of authorities to which the Scheme applies, and of transfer, promotion, termination of appointment, dismissal and disciplinary control of persons appointed to any such offices,

are vested in the President.

Powers to delegate and to impose duties

5.—(1) The President may—

- (a) by provision in the Scheme, delegate to the Commission or to an authority to which the Scheme applies power to make regulations under the Scheme;
- (b) by provision in the Scheme or by regulations under the Scheme—
 - (i) make provision for the exercise by, or delegate to the Commission or any authority to which the Scheme applies, any of the powers vested in him by section 4 of this Act or reserved to him by the Scheme or such regulations;
 - (ii) impose functions and duties in relation to the Scheme on the Minister, on the Commission, its members or officers, on authorities to which the Scheme applies, their members and officers, on members of the Service and on persons in the service of the Republic;
 - (iii) authorize the Commission to delegate, by regulations or by directions in writing, any of the powers, functions or duties conferred or imposed on it by the Scheme or regulations under the Scheme (other than any power to make regulations, but including the powers, functions and duties delegated to it under sub-paragraphs (i) and (ii) of this paragraph) to its members and officers, to any board appointed under the Scheme, to any authority to which the Scheme applies, their

members or officers, or to any member of the Service or person in the service of the Republic, and authorize the Commission to itself authorize any such board, authority, member of the Service or person in the service of the Republic, to delegate any such powers, duties or functions delegated to such board, authority or person.

(2) The President may exercise the powers and functions vested in him by this Act or reserved to him by the Scheme or any regulations made under the Scheme, and the Commission and any board or authority to which the Scheme applies or person may exercise any powers, functions or duties conferred or imposed on or delegated to it or him, notwithstanding any delegation or authorization by him or it under this section.

6. On and after the date on which this Act comes into operation, the Scheme and the regulations made thereunder shall continue to have effect but shall be subject to the provisions of the Schedule hereto: Amendments
to Scheme
and
regulations

Provided that nothing in this section shall preclude the President from amending or revoking the Scheme (including any modification or provision thereof set out in the Schedule) in accordance with the provisions of this Act and the Ordinance, or the President or any delegate of the power to make regulations from amending or revoking any regulations thereunder.

(Section 6)

THE SCHEDULE

The Local Government Service Scheme, 1962

1. The power, vested in the President by paragraph (c) of section 3 of this Act, and G.N. 1962 subsections (2A) and (2B) of section 139 of the Ordinance, to provide for the making of No. 299 regulations under the Scheme shall be deemed to have been exercised under sub-clause (1) of clause 11, and sub-clause (3) of clause 12, of the Scheme, and the power to make No. 191 regulations under those provisions shall be deemed to have been delegated by the President, in accordance with this Act, to the Commission.

2. The President shall be deemed—

- (a) to have delegated to the Commission, in accordance with this Act, all the powers vested in him by section 4 of this Act, and to have so delegated to the authorities to whom the Scheme applies the powers of constituting and abolishing offices in their service, subject to the approval of the proper officer;
- (b) to have authorized the Commission in accordance with the provisions of this Act, to delegate, both by regulations and by directions in writing, any of the powers deemed to have been delegated to it under sub-paragraph (a) of this paragraph and any of the powers, functions or duties conferred or imposed on it by the Scheme or regulations under the Scheme to any of the bodies or persons specified in sub-paragraph (iii) of paragraph (b) of subsection (1) of section 5 of this Act and to have so authorized the Commission to itself authorize any such delegate to delegate such powers, functions and duties delegated to it or him.

3. In clause 5, insert, immediately after the word and figure "clause 4", the commas and words ", and subject to the powers of the President,".

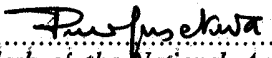
4. In clause 15, sub-clause (a), insert, immediately before the words "the Commission", the words "the President or".

5. In clause 17, insert, immediately before the words "any employing authority" in the fourth line, the words "the President or".

6. Delete the full stop at the end of the proviso to sub-clause (1) of clause 24 and add the following further proviso:

"Provided further that the Commission shall not fill any post in any category notified by the President to the Commission for the purposes of this sub-clause, without first notifying the President and obtaining his instructions."

Passed in the National Assembly on the fourth day of December, 1963.


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Clerk of the National Assembly