

TANGANYIKA



No. 36 OF 1963

I ASSENT,

*Julius K. Nyerere*  
President

4<sup>TH</sup> JULY, 1963

**An Act to amend the Private Street Works Ordinance**

[5<sup>TH</sup> JULY, 1963]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Private Street Works Ordinance (Amendment) Act, 1963, and shall be read as one with the Private Street Works Ordinance (hereinafter called the Ordinance).

Short title  
and  
construction  
Cap. 347

2. Section 2 of the Ordinance is hereby amended—

Section 2  
of Cap. 347  
amended

(a) by inserting immediately after the definition “highway” the following new definition:—

“Minister” means the Minister for the time being responsible for local government;” and

(b) by deleting the proviso to the definition “standard street” and substituting therefor the following new proviso:—

“Provided that where the characteristics, dimensions and specifications so prescribed for any private street exceed—

(a) in any case where the greater proportion of the lands fronting, adjoining or abutting on a street are used for residential purposes, an overall width of fifty feet with a paved and metalled carriage-way twenty-two feet wide capable of carrying on the prevailing soil vehicles with wheel loads of five thousand pounds;

(b) in any case where the greater proportion of the lands fronting, adjoining or abutting on a street are used for industrial or commercial purposes, an overall width of sixty feet with a paved and metalled carriage-way thirty feet wide capable of carrying on the prevailing soil vehicles with wheel loads of nine thousand pounds,

a standard street in relation to that private street shall be deemed to be a street having the characteristics, dimensions and specifications set out in paragraph (a) or paragraph (b) of this proviso, as the case may be.

For the avoidance of doubt it is hereby declared that any land which is used for both industrial and residential purposes or for both commercial and residential purposes shall be deemed to be used for industrial or commercial purposes, as the case may be;”.

Section 3  
of Cap. 347  
amended

3. Section 3 of the Ordinance is hereby amended—

- (a) by deleting the words "An authority" at the beginning of subsection (1) thereof and substituting therefor the words "Subject to the provisions of this section, an authority";
- (b) by inserting immediately after the word "refer" at the end of the fifth line of subsection (2) thereof the words and symbols " , but subject to the limitations contained in the proviso to the definition 'standard street' in section 2,"; and
- (c) by deleting subsection (3) thereof and substituting therefor the following new subsections to be numbered (3), (4) and (5):—

"(3) Where a scheme provides for the execution of private street works upon a private street which are more extensive than the private street works required to make such street, to the specifications of a standard street, the authority shall include in the scheme a statement showing the proportion of the expenses to be incurred in the execution of the private street works as are attributable to the works required to make such street to the specifications of a standard street.

(4) Where such a scheme as is referred to in subsection (3) is submitted to the Minister, he shall (if he approves the scheme) confirm, with or without modification, the statement of proportion included therein, and a statement of proportion so confirmed by the Minister shall be final and shall not be challenged in any proceedings under this Ordinance.

(5) Upon payment of the prescribed fees, the authority shall deliver to any person applying therefor either—

- (a) a certificate in the prescribed form specifying the characteristics, dimensions and specifications of a standard street for the private street in respect of which the application is made; or
- (b) in cases where the scheme provides for the execution of private street works which are more extensive than those required to make such street to the specification of a standard street, a certificate in the prescribed form specifying the characteristics, dimensions and specifications of the street for which the scheme provides and including the statement of proportion confirmed by the Minister,

and any such certificate shall be binding upon the authority and shall be admissible in evidence in any court or before any person authorized by law or consent of the parties to hear, receive and examine evidence."

Section 4  
of Cap. 347  
amended

4. Section 4 of the Ordinance is hereby amended—

- (a) by deleting the proviso to subsection (1) thereof and substituting therefor the following new proviso:—

"Provided that where the private street works executed or caused to be executed by the authority upon a private street are more extensive than the private street works required to make such street to the specifications of a standard street, the

authority may only apportion and recover from the owners that proportion of the expenses incurred in the execution of the private street works as are, under the statement of proportion confirmed by the Minister under section 3, attributable to the works required to make such street to the specifications of a standard street together with a similar proportion of such sums by way of commission, costs, interest on loans and otherwise as they may be authorized to add to such expenses under the provisions of this Ordinance.”; and

- (b) by inserting immediately before the words “a provisional apportionment” in paragraph (c) of subsection (2) thereof the words and symbols “subject to the provisions of the proviso to subsection (1)”.

5. The Ordinance is hereby amended by deleting the words “Governor <sup>General</sup> in Council” wherever they appear therein and substituting therefor in <sup>amendment</sup> of Cap. 347 each case the word “Minister”.

Passed in the National Assembly on the twenty-fifth day of June, 1963.

  
.....  
Clerk of the National Assembly