

TANGANYIKA



No. 73 OF 1962

I ASSENT

Rh Tumbo  
Governor-General

27TH NOVEMBER, 1962

**An Act to make provision for the Acquisition of Municipal Status by Town Councils and for matters connected therewith**

[12TH DECEMBER, 1962]

ENACTED by the Parliament of Tanganyika.

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| <b>1.</b> This Act may be cited as the Town Councils (Acquisition of Municipal Status) Act, 1962.  | Short title   |
| <b>2.</b> In this Act, unless the context otherwise requires-  | Interpretation  |
| "Minister" means the Minister for the time being responsible for local government;   |   |
| "municipality" means an area or place declared to be a municipality under section 3 of the Municipalities Ordinance;   | Cap. 105  |
| "municipal council" means a municipal council constituted in accordance with the provisions of the Municipalities Ordinance or by rules made under section 4 of this Act;  |   |
| "town council" means a town council established under the Local Government Ordinance.  | Cap. 333  |
| <b>3.</b> The Governor-General may, by order (hereinafter called a provisional order) published in the <i>Gazette</i> , state his intention, within such period, not exceeding three months, as may be specified in the provisional order, to declare, under the provisions of section 3 of the Municipalities Ordinance, the area of jurisdiction of a town council to be a municipality. | provisional order relating to establishment of municipality |
| <b>4.</b> -(1) Where a provisional order has been made under section 3, the Governor-General may, at any time within the period therein specified make rules relating to the municipal council for the municipality to be established pursuant to the terms of the provisional order and providing for all or any of the following matters- -  | Rules relating to future municipal council                  |

- (a) the composition of such council and the number (within the limits imposed by subsection (1) of section 5 of the Municipalities Ordinance) of its members, and whether the members are to be appointed or elected, and where some of the members are to be appointed and some elected, the proportion of appointed and elected members;
  - (b) the retirement or resignation of members of such council and the grounds upon which members shall be disqualified from continuing to be members thereof;
  - (c) the method of filling casual vacancies among members of such council;
  - (d) the division of the municipality into wards and the number of elected members and appointed members to represent each ward;
  - (e) the date of the first and subsequent elections to such council;
  - (f) the compulsory retirement in rotation of all or a proportion of the elected members of such council and the dates thereof;
  - (g) generally for all matters and things necessary or incidental to the foregoing.
- (2) Rules made under subsection (1)-
- (a) may fix penalties for the breach thereof not exceeding a fine of two thousand shillings or imprisonment for a period not exceeding twelve months or both such fine and imprisonment and may prescribe the form of any documents which are to be used and any fees which are to be charged thereunder;
  - (b) shall have effect from the date on which, pursuant to the terms of the provisional order, the municipality is established under section 3 of the Municipalities Ordinance:

Provided that where such rules provide for the election of members of the municipal council the first such election may be held in accordance with the provisions of the rules on a date prior to the date of the establishment of the municipality as aforesaid and the provisions of the rules relating to elections shall apply to and in respect of such election but the persons elected at such election shall not take office until such date of establishment.

Establish-  
ment of  
municipality

**5.** (1) The Governor-General shall, within the period specified in the provisional order previously made under section 3, by order under section 3 of the Municipalities Ordinance declare the area of jurisdiction of the town council in respect of which the provisional order was made to be a municipality.

(2) Subject to the provisions of this Act, all the provisions of the Municipalities Ordinance shall apply to a municipality established in accordance with the procedure laid down by this Act in the same manner and to the same extent as they apply to any other municipality established under the Municipalities Ordinance:

Provided that where, prior to the establishment of the municipality rules have been made under section 4, the provisions of section 5 (other than subsection (1) thereof) and of section 7 of the Municipalities Ordinance and such of the provisions of section 3 thereof as relate to the

appointment of members of a municipal council shall not have effect and the provisions of the rules made under section 4 shall apply in substitution therefor.

6. Where a provisional order is made under section 3 in respect of the area of jurisdiction of a town council then, notwithstanding any provision contained in any other law or in the Instrument establishing the town council-

Effect of provisional order on members of town council

- (a) every member of the town council appointed or elected to the council prior to the date of the provisional order shall, unless he dies or resigns or is disqualified from membership of the council, continue to hold office as a member thereof until -the date of the establishment of the municipality in accordance with section 5; and
- (b) where after the date of the provisional order a casual vacancy occurs in the membership of the town council, no election shall be held or appointment made to fill such vacancy.

7.-(1) Subject to the provisions of this section, on the date of the establishment of a municipality in accordance with the provisions of this Act, the Local Government Ordinance shall cease to have effect within the area of such municipality.

Cap. 333 to cease to have effect when municipality established

(2) Notwithstanding the provisions of subsection (1)-

- (a) every notice, order, rule or by-law made under the provisions of the Local Government Ordinance and still valid and in force in the area of jurisdiction of a town council immediately before that area becomes a municipality in accordance with the provisions of this Act (including any such notice, order, rule or by-law saved on the establishment of such town council by virtue of the provisions of paragraph (e) of subsection (1) of section 168 of the Local Government Ordinance) shall, in so far as the same could be made by the municipal council under the powers contained in the Municipalities Ordinance, remain effective and in force within the municipality as a notice, order, rule or by-law made by the municipal council until such time as it is amended, replaced or revoked by such council;
- (b) every licence, registration or permit lawfully issued, made or granted by a town council prior to its area of jurisdiction becoming a municipality in accordance with the provisions of this Act (including any such licence, registration or permit saved on the establishment of such town council by virtue of paragraph (f) of subsection (1) of section 168 of the Local Government ordinance) which is still valid and in force immediately before the area of jurisdiction of the town council becomes a municipality as aforesaid shall continue in force for the period specified in the licence, registration or permit unless the same is sooner validly suspended, cancelled or revoked by the municipal council;
- (c) any interest in public land granted to a town council under subsection (3) of section 168 of the Local Government Ordinance prior to the area of jurisdiction of the town council becoming a municipality shall on the date when such area becomes a municipality be transferred to and shall without further assurance vest in the same interest in the municipal council.

Transfer of  
property, etc.

**8.-(1)** On the date when the area of jurisdiction of a town council becomes a municipality in accordance with the provisions of this Act-

- (a) all sums of money, roads, open places, lands, buildings, water-works, bridges, piers, ferries, vehicles, goods and all other property whatsoever (including any right, title or interest thereto or therein) vested in, belonging to, held by or purporting to belong to or be held by the town council or held by any person or body on behalf of the town council shall be transferred to and shall without further assurance vest in the municipal council of such municipality in the like interest in which it was held by the town council, and the municipal council shall have all powers necessary to take possession of, recover and deal with such property;
- (b) all rights, interests, obligations and liabilities of the town council under any contract (whether written or oral and including any contract of service) or any written instrument whatsoever, or otherwise, and subsisting immediately before the date of the establishment of such municipality, shall, whether or not of such nature as to be assignable, be transferred to the municipal council as from such date; and any such contract or instrument shall be of full force and effect against or in favour of the municipal council and shall be enforceable as fully and effectually as if, instead of such town council, the municipal council had been named therein or had been a party thereto,
- (c) any proceeding or cause of action pending or existing immediately before the date of the establishment of such municipality by or against such town council in respect of any right, interest, obligation or liability under any such contract or instrument as is referred to in paragraph (b), or otherwise, may be continued or enforced by or against the municipal council as it might have been by or against such town council.

(2) The Minister may, by order, provide for any incidental, supplemental or consequential matters for which it appears to him necessary or expedient to provide for the more effectual carrying out of the provisions of this section and any of the provisions of any such order may be expressed to have effect retrospectively and if so expressed shall have effect accordingly.

Rates, etc.,  
levied by  
town council

**9.** Any rates, taxes, fees or other charges lawfully levied, charged or imposed by a town council under any enactment prior to; the date on which the area of jurisdiction of the town council becomes a municipality in accordance with the provisions of this Act shall, after such date, if the same are within the powers of the municipal council to levy, charge or impose, be payable to and recoverable by the municipal council.

Boards, etc.,  
appointed by  
town council

**10.(1)** Any person who, prior to the date on which the area of jurisdiction of a town council becomes a municipality in accordance with the provisions of this Act, was appointed by the town council to be a member of any board or other authority established under any enactment shall, after such date, if his appointment is within the powers of, the municipal council, be deemed to have been appointed by the municipal council and, subject to the provisions of the enactment under which the board or other authority was established, shall continue to hold office for the term for which he was appointed.

(2) Every licence, registration or permit lawfully granted, issued or made by a board or other authority established by or to which appointments were made by a town council prior to the date on which its area of jurisdiction becomes a municipality in accordance with the provisions of this Act shall, if the same is still valid and in force on such date, remain in force for the period specified therein unless it is sooner validly surrendered, forfeited, suspended, revoked or cancelled.

**11.** Where on the date on which its area of jurisdiction becomes a municipality in accordance with the provisions of this Act, a town council has lawfully begun but has not completed any act, matter or thing which it had power to do under the provisions of the Local Government Ordinance, such act, matter or thing may, whether or not the municipal council has power under the Municipalities Ordinance to do, the same, be completed by the municipal council. Power to complete acts

**12.** The provisions of paragraphs (1), (2) and (3) of section 108 of the Municipalities Ordinance shall apply to and in respect of any municipality established in accordance with the provisions of this Act to, the same extent as they apply to and in respect of any other municipality established under the provisions of the Municipalities Ordinance, but the remaining provisions of the said section 108, that is to say, paragraphs (4), (5), (6), (7), (8) and (9) thereof, shall not apply to or in respect of any municipality established in accordance with the provisions of this Act. Application of section 108 of cap. 105

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Passed in the National Assembly on the twenty-third day of November, 1962.

  
Clerk of the National Assembly