

THE URBAN AUTHORITIES (RATING) ACT 1983

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THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1983

I ASSENT,

President

1ST JANUARY, 1983

An Act to enable Urban Authorities and Township Authorities to impose and collect Rates

[]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY

1. This Act may be cited as the Urban Authorities (Rating) Act, 1983, and shall come into operation on such date as the Minister may, by order published in the *Gazette* appoint.

Short title
Commerce-
ment

2.--(I) This Act shall apply to-

- (a) Urban Authorities established under the Local Government (Urban Authorities) Act, 1982;
- (b) Township Authorities established under the Local Government (District Authorities) Act, 1982;

Application
and
exemption
Acts, 1982
No. 8

(2) The Minister may, by order published in the *Gazette*, exempt any part of the area of jurisdiction of an authority from the application of all or any of the provisions of this Act.

3. In this Act, unless the context otherwise requires-
"Authority" means-

Interpreta-
tion

- (a) an urban authority established under the Local Government (Urban Authorities) Act, 1982;
- (b) a township authority established under the Local Government (District Authorities) Act, 1982;

"Council" in relation to a township means the township authority and in relation to an urban authority means a town, municipal or city council as the case may be;

'elector" or "collector of rates" means any person duly authorized by an authority to collect or receive rates on its behalf;

"Director" in relation to a township means a Township Executive Officer for that township; in relation to a town means the Town Director for that town; in relation to a municipality means the Municipal Director for that Municipality, and in relation to a city, means the City Director for that city; "improvement" means the whole or any part of a building or structure of whatever materials constructed, which is capable of beneficial use or occupation and which is of a sufficiently permanent nature as normally to pass with land on disposition, and includes-

- (a) any work done or services provided or material used on land by the expenditure of money or labour;
- (b) carrying out of any building, engineering or other operation in, on, over or tunder, land, or making of any material change in the use of any building or land; but shall not include-
 - (i) any commercial or industrial plantation or any growing crops of the class "*fructus industriales*" of a permanent nature; or
 - (ii) any machinery or plant other than rateable machinery or plant;

"Minister" means the Minister for the time being responsible for local government;

"occupier" means any person in actual occupation of rateable property without regard to the title under which he occupies;

"owner" in relation to any premises means the person holding or deemed by any written law to be holding such Premises under a right of occupancy, and includes any person claiming or holding himself out as being the owner and entitled to a right of occupancy in respect of the premises, or in the case where the owner of such premises cannot be found, the person in actual occupation of such premises;

"public utility undertaking" means any company, authority or persons carrying on a water, hydraulic power, electricity or other undertaking, which has been approved by the local authority as a public utility undertaking for the purposes of this Act;

"rate" means a levy on property;

"rateable property" means all houses within the jurisdiction of an authority which are in actual occupation and all improvements on, in or under any such houses;

"right of occupancy" shall have the meaning assigned to that expression by the Land Ordinance, and includes any tenure which is deemed by any written law to be a right of occupancy;

"roll" means a valuation roll compiled in accordance with the provisions of this Act;

"time of valuation" means-

- (a) in relation to a roll, the date of the passing of the resolution causing the roll to be made;
- (b) in relation to a supplementary roll, the time of valuation of the roll of which it shall form a part in accordance with the provisions of this Act;

"Township Executive Officer" means a Township Executive Officer of a township;

"township" includes the area of jurisdiction of a town council;

"Tribunal" means the Rating Valuation Tribunal established by section 33 of this Act;

"urban authority" includes a township authority;

"Valuation Surveyor" means the Valuation Surveyor appointed under section 3;

"value of building" means the market value of a building or where the market value cannot be ascertained, the replacement cost of the building.

PART 11

APPOINTMENT AND POWERS OF VALUATION SURVEYOR

4.-(1) The rating authority shall subject to the approval of the Minister, appoint a Valuation Surveyor, who shall be responsible for the preparation of a roll or supplementary roll for the-, rating authority.

Appointment of valuation surveyor

(2) The Valuation Surveyor shall be a person who is registered under the provisions of the Professional Surveyors (Registration) Act, 1977, as a Valuer and may be:-

Acts, 1977 No 2

(a) a full-time officer of the rating authority;

(b) an officer of the Government Valuation Department who is nominated by the Minister.

5.-(I) The Valuation Surveyor or any person assisting him may-

(a) for the purpose of preparing or checking an entry in a roll or supplementary roll, or for the purpose of preparing or checking any rate, enter into or upon any rateable property at any reasonable hour in the day time and survey or inspect such property;

Power of valuation surveyor

(b) serve a notice by delivery or prepaid registered post on an owner or any person in apparent occupation or charge of any rateable property; requiring the owner or such person to make a return containing such particulars as may reasonably be required to enable him to correctly value such property;

(c) put to an owner or any person in apparent occupation or charge of any rateable property questions on all such matters as may be necessary to enable him to correctly value such property.

(2) Any person who:-

(a) unreasonably refuses access to the rateable property in contravention of the provisions of paragraph (a) of subsection (1);

(b) wilfully fails to make a return in contravention of the provisions of paragraph (b) of subsection (1);

(c) refuses to answer any question lawfully put to him by Valuation Surveyor or any person assisting him;

(d) wilfully provides false information in answer to any question lawfully put to him or in any return submitted under paragraph (b) of subsection (1),

shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

PART III

VALUATION

6.-(I) Subject to the provisions of this section, the Minister may, after due consultation with the rating authority concerned, for the purpose of rating assessment, by an order-

Declaration of rateable areas

(a) declare any area within the council boundary to be a rateable area;

(b) alter the area of any rateable area;

Provided that no order shall be made under this section unless-

(i) a draft notice thereof has been published in the *Gazette* and in a news paper circulating in the area of the rating authority, not less than sixty days before the order is made, stating that interested persons may make

written objections to the Minister against the proposed order within thirty days of the notice; and

(ii) where any such objections are received, the Minister has considered them.

(2) An order declaring an area to be a rateable area or altering any such area shall define the area so declared or altered by reference to a plan registered with the Director of Surveys and deposited with Survey Division in the Ministry of Lands, Housing and Urban Development-

(3) A copy of such Plan, certified by the Director of Surveys shall be deposited with the Minister and with the Director of the rating authority concerned and shall be admissible in evidence in any proceedings.

Rateable
Property

7.-(1) All property within a rateable area shall be rateable property:

provided that the following property shall not be rateable property.

- (i) property in the Personal occupation of the President;
 - (ii) property used wholly for the operational purposes Of any public utility undertaking concerned with the storage or processing or distribution of public water supplies, or the collection or treatment or disposal of water-borne sewerage;
 - (iii) property used primarily for public worship but excluding property used for residential or social purposes in connection with Places of Public worship;
 - (iv) public libraries and public museums;
 - (v) cemeteries and crematoria;
 - (vi) civil and military aerodromes except for the buildings thereon and their cartilage;
 - (vii) property comprising land laid out and used for sporting purposes and which is used solely by a full-time educational institution;
 - (viii) any railway track including rails and sleepers together with all earth-works, ballast, fittings fastenings and devices installed in connection with track or train operation, bridges, culverts, inspection and ash pits, signals and signs, installations, centralised train control gear, rolling stock weigh bridges, locomotive and train watering installations, coaling and fueling plants, passenger platforms, loading banks, cattle pens, electric power transmission lines, poles, pylons, transformers and switch gear used in connection with track and train operations, whether situated within or without buildings, if they are used for the normal working of the railway;
- OX) such other property as the Minister may, by order in the Gazette, prescribe.

(2) Where in pursuance to subsection (1) of this section the Minister prescribes any property belonging to the Government from being a exempt as rateable property, it shall be lawful for the Minister to authorize the payment, to an authority in which the property is situated, out of general revenue funds in lieu of the rates which would be payable in respect of any such Property, such amount as he may consider expedient.

8.-(1) For the purpose of levying rates, there shall be maintained by the rating authority a roll Prepared by the Valuation Surveyor in which shall be listed by hereditament and/or assessment numbers, all rateable property within the rateable area-

- (2) A roll shall show in respect of each hereditament-
 - (A) the area and situation of the Property valued';

- (b) the name and address of the owner thereof -
- (c) the name of the leaseholder or, where an improvement stands on parcels belonging to more than one leaseholder, the names of such leaseholders;
- (d) a brief description of the hereditament and the improvement included therein;
- (e) the area of land comprising the hereditament;
- (f) the rateable value of the hereditament.

(3) The rating authority shall, from time to time but at least once in every five years or such longer period as the Minister may approve, cause to be prepared a new roll.

9.-(1) The rating authority may, from time to time, cause to be prepared by the Valuation Surveyor supplementary rolls which shall be deemed to be part of the last preceding roll and, where any hereditament appears in a roll and in a supplementary roll, the former entry shall be deemed to have been superceded by the latter from the effective date of such supplementary roll.

Suppleme-
ntary roll

(2) A supplementary roll may include-

- (a) any rateable property or part thereof discovered to have been omitted from the last preceding roll;
- (b) any hereditament of which the rateable value has been found to be incor- rectly assessed or entered in the last preceding roll;
- (c) any hereditament in, to, or upon which improvements have been erected, completed, altered or demolished since the effective date of the last preceding roll;
- (d) any hereditament of which the rateable value as at the time of valuation of the last preceding roll has increased or decreased owing to a material change in circumstances occurring since the effective date of the last preceding roll;
- (e) any hereditament the owner of which has served a notice on the rating authority under section 15;
- (f) any hereditament the identity of which as given in the last preceding roll has been changed by subdivision, consolidation, or alteration of bounda- ries by resurveying or renumbering.

10.-(1) Upon the completion of every roll, the Valuation Surveyor shall deliver it to the Director of the rating authority who shall witness the Valuation Surveyor's signature to the roll or supplementary roll and who shall also sign and date a declaration appended thereto.

Delivery and
attestation
of roll or
suppleme-
ntary roll

(2) A declaration appended to the roll or supplementary roll shall state-

- (a) that the roll or supplementary roll has been prepared in accordance with the provisions of this Act;
- (b) the full name and professional qualification of the Valuation Surveyor; and
- (c) the time of valuation of the roll or supplementary roll.

(3) Every copy of the roll or supplementary roll shall bear a copy of the said declaration, which shall be identical in all respects with the original but it shall not be necessary for such copy to be signed or approved by the Valuation Surveyor or by the Director of the rating authority.

11.-(1) Within forty days after the delivery to its Director of a roll or supple- mentary roll under the provisions of section 9, the rating authority shall publish in the Gazette and in at least one newspaper circulating in the area of the rating authority a notice stating-

Notification
of
publication
of roll or
suppleme-
ntary roll

- (a) that the roll or supplementary roll is open for inspection at the offices of the rating authority and the time at which it may be inspected;
- (b) a date not less than twenty-eight days after the date of publication of the notice in the *Gazette*, on or before which any objection to the roll or supplementary roll shall be lodged with the rating authority;
- (c) a date, not less than twenty-one days after the date appointed under paragraph (b), upon which, and specifying the place at which, the Tribunal will sit for the purpose of determining any objections to the roll or supplementary roll;
- (d) the effective date of the roll or supplementary roll;
- (e) the time of valuation.

(2) Within twenty-one days after the publication of a notice under subsection (1) the rating authority shall serve by post upon each person whose name appears as the owner or occupier of the hereditament listed in the roll or supplementary roll, a notice informing such person-

- (a) that a roll or supplementary roll has been published in which a hereditament appears of which such person listed as the owner or occupier;
- (b) of the times at which the roll or supplementary roll may be inspected at the rating authority's offices;
- (c) of the date on or before which objection to the roll or supplementary roll is to be lodged with the rating authority.

(3) Any notice the posting of which is proved shall be deemed to have been received the ordinary course of post if it is sent to the last address known by the rating authority and no roll or supplementary roll shall in any way be invalidated by the non-receipt of such notice.

(4) if the rating authority fails to publish the notice referred to in subsection (1) or to post the notices referred to in subsection (2) within the stated time limits, the Minister may, upon request made to him in that behalf, extend, by notice in the *Gazette*, the period for objection to take account of such failure and may, in addition, vary the effective date of a roll or supplementary roll, anything to the contrary contained in this Act notwithstanding.

Inspection
of roll or
suppleme-
ntary roll

12. When the roll or supplementary roll has been delivered to the rating authority as provided in section 10, it shall be open to inspection at the offices of the rating authority at the time stated in accordance with section 11, and an owner or occupier of any hereditament included in the roll or supplementary roll, or his appointed representative, may inspect such roll and take extracts therefrom.

Objection
to roll or
supplem-
entary roll

13.-(1) The rating authority or any owner or occupier of any hereditament included in the roll or supplementary roll in respect of which a notice under section 11 has been published or the appointed representative of such owner or occupier may lodge an objection-

- (a) in the case of the rating authority, in respect of any hereditament entered in such roll or supplementary roll or in respect of any hereditament which the rating authority believes should have been entered in such roll but which has been omitted therefrom;
 - (b) in the case of an owner or occupier of any hereditament included in such roll or supplementary roll, or his appointed representative, in respect of such hereditament.
- (2) An objection shall not be valid unless-
- (a) it is made in writing and complies as nearly as may be with Form I in the schedule;

- (b) in the case of an objection under paragraph (a) of subsection (1), such objection is served on the owner or occupier of the hereditament concerned of his appointed representative and on the Valuation Surveyor;
- (c) in the case of an objection under paragraph (b) of subsection (1), it is served on the rating authority in duplicate;
- (d) it is served on or before the date specified in a notice given under section I 1;
- (c) it state-
 - (i) the hereditament in respect of which it is made;
 - (ii) the grounds of the objection; and
 - (iii) the entry in the roll which the objector contends should replace that against which he is objecting.

14. Anything to the contrary contained in this Act notwithstanding, it shall be lawful] for a rating authority to alter any roll or supplementary roll for the roll for the purpose of-

- (a) correcting any clerical error or omission not affecting rateable value;
- (b) correcting any error as to, or recording a change in, the name of the owner or occupier;
- (c) correcting any error in the description or address of any hereditament; or
- (d) giving effect to an award of the Rating Valuation Tribunal.

15.-(1) An owner or occupier of any hereditament which appears in any roll in force, or his appointed representative may, at any time, serve a notice on the rating authority requiring that such hereditament shall be included in the next supplementary roll to be prepared.

- (2) A notice served under subsection (1) shall not be valid unless-
 - (a) it is in writing and complies as nearly as may be with Form 2 in the Schedule;
 - (b) it is served or by prepaid registered post on the principal officer of the rating authority;
 - (c) it states in full the existing entry on the roll of the hereditament in question; and
 - (d) it states the grounds on which it is based.

(3) Upon receipt of the notice referred to in subsection (1), the rating authority shall immediately send written acknowledgement thereof to the person serving

(4) It shall be the responsibility of the rating authority to inform the Valuation Surveyor of all hereditaments upon which notices under this section have been served when he is requested to prepare the supplementary roll.

PART IV RATING

16.-(1) Every Council shall be the rating authority for the area of its jurisdiction and, subject to any special provisions in this Act or in any other enactment, no authority other than the Council shall have power to make or levy any rate in the area.

(2) A Council may, subject to the approval of the Minister, levy such rates within its area of jurisdiction as may be approved by a resolution passed in that behalf by the Council and supported by the votes of not less than two-thirds of all the members of the Council.

17. Every Council shall make or levy sufficient rates to provide for that part of the total estimated expenditure to be incurred by it during the period in respect of which the rate is levied which is to be met out of moneys raised by

rates, together with any additional amount as is, in the opinion of the Council required to cover expenditure Previously incurred or to meet contingencies or to defray any expenditure which may fall to be defrayed before the date on which money to be received in respect of the next subsequent rate will become available.

Methods of rating

18.-(I) A rating authority may, subject to the provisions of this Act, make and levy general or special rates of such amounts as, having regard to the provisions of section 17 of this Act, it may deem necessary.

(2) For the purpose of this section-

"general rate means a rate made and levied over the whole area of the jurisdiction of the Council for the general purposes of the Council;

"special rate" means a rate made and levied over a specified area within the jurisdiction of the Council for the purposes of a specified Project approved by the Council for that area.

(3) A general rate may be-

(a) a rate payable by the owner of any premises situate within the area of jurisdiction of a Council, on the rateable value of the premises;

(b) a basic amount of a kind referred to in section 19.

making and levying of specs, rate

19. (1) Where in the opinion of the rating authority, a capital works scheme executed by it under any statutory power has benefited owners of a rateable area, the rating authority May, with the prior consent of the Minister, make and levy a special rate on the rateable property in such area in order to defray the Capital costs of the scheme.

(2) The Minister shall not grant his consent unless-

(a) a full detail Of the scheme and of the proposed rate have been advertised in a newspaper circulating in the area concerned and on notices displayed prominently in such area, stating a period of not less than twenty-one days from the date of publication or display Of the notice" whichever is the later, within which objections may be made in writing to the Minister;

(b) if any such objections are received, the Minister has considered them.

(3) The Minister may, if he grants consent to the special rate, make variations to the scheme or to the rate, or impose any conditions, as he may deem fit.

(4) A special rate shall be made and levied in the rate period following that in which the Minister's consent to such rate was obtained and shall remain in force until the capital cost of the scheme concerned shall have been defrayed:

Provided that, if there be any increase in the rateable values Of the hereditaments in the area to which the special rate applies due to the subsequent publication of any roll or supplementary roll, the special rate shall be reduced so that the total amount levied does not exceed the amount which would have been levied but for the publication of such roll or supplementary roll.

General or special rate to be at a specified rate

20.(I) A general or special rate imposed upon immovable property shall be at a specified rate per centurn on the rateable value as defined in this Act, Of the rateable premises.

Buildings, structures or similar development to be rateable
Rateable value to be replacement cost

21. Subject to this Act, the premises rateable under this Act are all Premises comprising buildings or structures or similar development'

22.-(I) Subject to subsection (3) of this section, for the purposes of this section the rateable value of premises shall be the market value of promises of where the market value cannot L- ascertained the replacement cost of the

buildings, structures and other developments comprised in the premises after deducting the amount which it would cost at the time of valuation to restore the Premises to a condition in which they would be as serviceable as they were when new:

Provided that the rateable value shall not be less than 75 per cent of the replacement cost.

(2) In this section:-

- (a) the expression "replacement cost" means, in relation to buildings, structures, and other development, the amount which it would cost, at the time when the premises are being valued to provide all the buildings, structures and other development as they were when new if the premises consisted of an undeveloped site;
- (b) the expression "development" means any kind of work or improvements carried out on or in land and includes in particular foundations, excavations, drainage systems, and pathways, aprons and other prepared surfaces; and
- (c) references to buildings and structures include references to machinery which is attached to and forms an integral part of any building or structure.

(3) The Minister may by an order in the Gazette either generally or in respect of any particular authority prescribe a basis for the assessment of rateable value of premises other than that prescribed by this section and where any order is in force in respect of any authority this section shall not apply to that authority.

23.-1) Notwithstanding any other Provisions of this Act, the rating authority may, subject to the prior approval of the Minister, reduce or remit any rate levied on any rateable property.

Exemptions
and remission
of rates

(2) Where it is shown to the satisfaction of a rating authority that any premises in respect of which the owner is liable to the payment of rates have been unoccupied for a period of not less than three months in any financial year and that notice thereof has been given as required by subsection (5) of this section, the rating authority may, upon the application of the person who has paid the amount of the rate payable in such premises, refund to that person such proportion of the amount paid as it may deem reasonable in the circumstances.

(3) It shall be the duty of the owner or occupier of any premises liable to the payment of rates to notify the rating authority in writing within 21 days that his premises, if previously unoccupied, are occupied, or, if the premises were previously occupied, that such Premises are unoccupied.

(4) Any owner or occupier of premises, who, having given a notice of non-occupation, fails to give notice of re-occupation required by subsection (5) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

24. Where it is shown to the satisfaction of the rating authority that any assessed premises or any part thereof have been demolished or removed during any financial year, the rating authority shall, on the application of the person who has paid the amount of the rate payable in respect of such premises, order to be refunded to that person such proportion of the amount paid as the rating authority may deem fit having regard to all the circumstances":

Refund
where
premises
demolished

Provided that in the case of demolition or removal otherwise than by order of the Council or a Magistrate under this Act, no refund shall be made unless the owner of the premises has within fourteen days of the demolition or removal given notice in writing thereof to the Director.

Duty to pay We

25. it shall be the duty of any person liable for any rate to pay the amount thereof to a rate collector or his duly authorized representative-

Recovery of rate

26.-M If any person fails to pay any rates due to be paid by him, the rating authority may cause a demand in writing to be made upon such person, requiring him to pay the amount due within fourteen days of the date of such demand.

(2) if, after such demand, such Person fails to Pay such sum' it shall be lawful for the Director of the rating authority, upon a resolution of the rating authority in that behalf, to issue a warrant to the court broker requiring him to distrain upon the personal goods and chattels of such person to the value of such sum, whether or not such goods and chattels be found upon the hereditament in respect of which the rates are due:

Provided that such warrant shall not be issued unless the notice referred to in subsection (1) was served Personally upon such person, or was left at his normal place of work or residence or at his registered office, the rating authority

(3) Notwithstanding anything contained in subsection (2), n by civil action may, at its discretion, recover the sum due without further notice or demand,

claim for a charge of rate

27. The claim for the amount of any rate Payable under the provisions of this Act shall, except in so far as may be otherwise specifically provided in any other Act, have priority over other claims against the person liable to pay the rate, except claims by the Government.

Rate to be a charge on property

28. Any rate due in respect of any property shall until paid, be a charge on the premises and that charge shall have priority over all other claims against the premises except claims by the Government-

Notice where general or special rate not paid

29.-(1) if the amount of a general or special rate or any installment thereof payable in respect of any premises is not paid within sixty days from the date when it is due, the Council shall cause to be affixed on a conspicuous part of the premises a notice in a form Prescribed by the minister to the effect that if the amount of the rate Payable in respect of the premises is not paid within twenty-one days, proceedings will be taken for the, sale of the premises for the Purposes of defraying such amount

(2) Where any person claiming to be the Owner of any assessed premises has given notice in writing to the Council of his name and postal address no notice aforesaid shall be affixed on the mortgaged until a demand in writing for payment of the rate due thereon has been sent by registered letter by the Council to such person, and default has been made for one month after the date Of posting of the registered letter.

Notice of mortgage in respect of rateable premises

30.-(1) Where a person having a registered mortgage upon any assessed in premises has given to the Council notice in writing of his mortgage no notice as aforesaid shall be affixed on the mortgaged Premises until a demand in writing for payment of the amount of the rate due thereon has been sent by registered letter by the Council to the mortgage, and default has been made for one month after the date of posting of the registered letter.

(2) Notice Of mortgage given under subsection (1) of this section shall contain such particulars of the mortgaged premises as are necessary for the identification thereof, and shall state the date and place of registration, the volume and pag

of the land Register Book in which the mortgage is registered, and the postal address of the mortgagee.

31. In any proceeding to levy or recover rates or consequent on the levying or recovering of any rates under the provisions of this Act, the rolls and rate books or other lawful record Of the rating authority and all entries purporting to be made therein as required by this Act, including genuine extracts or certified copies thereof, shall, upon production thereof, be prima facie evidence of such rate.

Evidence
of rate

32. The rating authority may require the Occupier of a hereditament to supply the name and address of the leaseholder of such hereditament, or the name and address of the person to whom the occupier pays any rent and, if such occupier refuses to provide such information to the best of his ability or knowingly provides false information, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Duty of
occupier to
supply
information

PART V

RATING VALUATION TRIBUNAL

33-(1) There is hereby established a Rating Valuation Tribunal which shall consist of-

Establish-
ment of
Rating
Valuation
Tribunal

- (a) a Chairman;
- (b) a Deputy Chairman, who shall, in the absence of the Chairman, preside overall sittings of the Tribunal;
- (c) a Secretary;
- (d) not less than three and not more than five other members, who shall be appointed from the following institutions-
 - (i) Valuation Surveyors;
 - (ii) Local Authorities; and
 - (iii) the Ministry responsible for lands.
- (2) Members shall be appointed by the Minister.

(3) The Chairman and the Secretary shall be Persons who are legally qualified under the Advocates Ordinance and the other members shall be persons who are qualified for appointment as Valuation Surveyors.

(4) Subject to the provisions of this section, members shall hold office for a term of five years or for such further term and shall serve on such conditions as the Minister may determine.

34. The functions of the Tribunal shall be to determine all objections which may be lodged in connection with roll or supplementary roll.

Function of
the Tribunal

35. The jurisdiction of the Tribunal shall extend to all objections made in accordance with the provisions of this Act.

Jurisdiction

36. The Chairman or any other person acting in his behalf and any other two members shall constitute a quorum.

Quorum

37. No person shall sit or act as a member of the Tribunal if he has any interest, direct or indirect, in any objection being heard by the Tribunal.

Declaration
of interest

38. The determination of any objection referred to the Tribunal shall be according to majority opinion and the person presiding shall have no second or by casting vote.

Decision
by majority
opinions

(2) Anything in the Magistrate Courts Act, 1963 to the contrary notwithstanding, a District Magistrate shall be deemed to have jurisdiction to issue warrants under this section.

44.-(1) Notwithstanding the provisions of the last preceding section, the local authority may at its discretion, after the time fixed for the payment of any such rates as aforesaid, recover from the person in default (without further notice or demand) the amount of the rates due by such person, irrespective of the amount thereof, by action in the court of a Magistrate of the first class having jurisdiction within the area of the local authority, whether the person liable for the same shall be resident within the jurisdiction of such court or not. In case it shall not be possible to effect service of summons within court as aforesaid, then such service shall be effected in such manner as the said court shall direct.

Recovery
by suit

(2) Anything in the Magistrates Courts Act, 1983 to the contrary notwithstanding, a District Magistrate shall be deemed to have jurisdiction to hear and determine claims for the recovery of rates under this section.

45. When any person, who is liable for any rate and is in default, is not resident within the jurisdiction of a magistrate having jurisdiction within the area of the local authority, it shall be lawful for the local authority at its option to make the demand referred to in section 33 of this Act upon, or take proceedings under section 34 thereof against, any person receiving any rents or profits of the rateable property in respect of which such rate is unpaid, of who would be entitled to receive the same if such property were let or occupied; and thereupon the amount in default shall, for the purposes of the said sections, be deemed to be due by such persons.

Proceedings
against
persons
entitled to
rents of
rateable
property

46. Where the rate imposed on any owner of rateable property remains unpaid for a period of three months after the same becomes due and Payable, the local authority may demand the amount of such rate or any part thereof rate from any tenant or occupier for the time being of such rateable property to the extent of any rent or other amount due by the tenant or occupier at the date of the demand or which may thereafter become due, and on non-payment thereof may, after one month from the date of such demand, recover the same from such tenant or occupier, who shall be liable for the amount of such demand to the extent as aforesaid until the same has been wholly recovered, and shall be entitled to deduct from any rent or other amount payable by him to such owner, or his successor in title, so much as was so paid by or recovered from him, and the production of the receipt for such rates so paid or recovered shall be a good and sufficient discharge therefor.

Recovery
of owner's
rate from
occupier

47. Where any rate remains unpaid after the date on which the same becomes due and payable, interest may be charged and recovered thereon with effect from such date, not being less than fourteen days after the same becomes due and payable, as the local authority may, by notice in the Gazette specify. The rate of such interest shall be such rate, not exceeding one per centum, per month or part of the month, as the local authority may determine.

Interest on
unpaid rates

48.-(1) The owner for the time being of any rateable property shall be liable for the payment of all rates due and payable on that property together with interest thereon calculated in accordance with section 28, whether such rates become due before or after he became the owner thereof, and where two or more persons are owners (whether as joint tenants or as tenants in common) they shall be jointly and severally so liable.

liability
for rates
and charge
on property
ord 1961
No. 3 s. 20

(2) Any rate due and payable in respect of any property, together with interest thereon calculated in accordance with section 28, shall be a first charge on the property.

(3) Notwithstanding the foregoing provisions of this section, no rate shall be recoverable or constitute a charge which is more than six years overdue.

(4) Where one of two or more joint tenants or tenants in common pays any rate for which such joint tenants or tenants in common are, under the provisions of this section, jointly liable, he shall, in the absence of any agreement to the contrary, be entitled to recover from the other or others a proportion thereof equal to his or their interest in the property.

Refusal by occupier to disclose name of owner

49. If, on the request of the local authority or any collector of rates, the occupier of any rateable property refuses or wilfully omits to disclose, or wilfully misstates to the local authority or collector making such request, the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, such occupier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred shillings, and, in the case of a continuing offence, a further fine not exceeding ten shillings for every day during which the default continues.

Evidence

50. In any proceedings to impose or recover rates or consequent on the imposition or recovery of any rates, as well as in all other proceedings under the provisions of this Act, the valuation rolls and records of the local authority and all entries made therein and extracts or certified copies thereof signed by the Director, and also all copies of any newspaper containing any notices necessary to be proved, shall upon production thereof be prima facie evidence of such rate and of the contents thereof without any evidence that the notices required by or other requirements of this Act have been complied with:

Provided that it shall be competent for any party to any such proceedings to offer evidence to prove the contrary.

Powers of Minister to make regulations

51. The Minister may make regulations generally for the better carrying out of the purposes and provisions of this Act, and, without prejudice to the generality of the foregoing, may make regulations proscribing the manner and form in which a printed or written demand shall be made under the provisions of subsection (1) of section 23 of this Act or prescribing any matter or thing which is to be or may be prescribed under this Act.

PART VII

AMENDMENT, REPEALS AND TRANSITIONAL PROVISIONS

Cap. 113 amended

52. The Land Ordinance is amended-

(a) by adding immediately after section 6 the following section:-

"Termson which right of occupancy granted

7 (1) The President may require the payment of a premium on the grant of a right of occupancy.

(2) The President shall in the case of a grant in favour of a non-citizen, and may in the case of a grant in favour of a citizen, require the payment of a rental for a right of occupancy over any public land:

Provided that the President may grant a right of occupancy free of rent to a non-citizen if the land is to be used for the purposes of religious worship only.

(3) The President may, where in his opinion any person in whose favour a grant of a right of occupancy has been made is unable by reason of poverty, infirmity or any other reason -whatsoever to pay the rent which he is required to pay under the right of occupancy, direct that such person shall be excused from payment of the whole of the rent or such portion of the rent as the President may determine for the remainder of the term of the right of occupancy, or for such portion of such term as the President may determine.

(4) In every case in which the President requires the payment of a rental for a right of occupancy, he may at such intervals or dates as may be specified at the time of granting such right, and shall in all cases where such rent has not been revised or confirmed for a period of thirty-three years, determine the rent in accordance with the provisions of section 15 and revise or confirm the same:

Provided that-

(i) notwithstanding anything to the contrary in any certificate of occupancy or of the provisions of any conditions of a right of occupancy, the President shall have power to determine the rent in accordance with the provisions of section 15 and revise or confirm the same at intervals of not less than ten years;

(ii) the President may waive the provisions of this subsection where a right of occupancy is granted to the holder of a mining lease in connection with his mining operations and such right is subject to a condition prohibiting the transfer of the right of occupancy of any person other than the holder of a mining lease.

(5) A right of occupancy may be granted subject to the terms of any contract made between the President and the grantee which are not inconsistent with the provisions of this Ordinance."

53. The Land Ordinance is further amended by adding immediately after section 14 (a) the following new sections:-

Cap. 113
further
amended

"Determine-
tion

15.-(1) In determining the rent to be demanded upon the grant of a right of occupancy or on a revision *or* such rent or on extension of the terms or on renewal thereof, the President shall take into consideration the rent obtained or obtainable in respect of any other like land in the immediate neighborhood, and shall have regard to all the circumstances of the case:

Provided that in determining the amount of any rent, whether original or otherwise, the President shall not take into consideration any value due to capital expended upon the land by the same or any previous occupier during his term or terms of occupancy, or any increase in the value of the land the rent of which is under consideration, due to the employment of such capital.

(2) Notwithstanding the provisions of subsection (1) the President may grant a right of occupancy at a reduced rent in any case in which he is satisfied that it would be in the public interest so to do:

Provided however, that unless it be otherwise expressly provided in the certificate of occupancy, there shall be reserved to the President a right to impose a rent in accordance with the provisions of subsection (1) in respect of the right of occupancy, if and when he may think proper.

Right to
surrender
on rent
revision

16. Should the rental demanded by the President from the occupier be raised on revision, the occupier may surrender his rights, and shall in the case be entitled to compensation from the President to the value at the date of surrender of his unexhausted improvements.

Such compensation shall be payable when the surrendered right are disposed of. Provided that in any event it shall be payable within two years of such surrender."

Now Section 23A added

54. The Land Ordinance is amended by adding immediately below section 23, the following now section:-

"Penalty on unpaid rent 23A. Where any rent or installment of rent payable in respect of a right of occupancy, or any part of such rent or installment, remains unpaid for a period of six months after the date on which the same is required to be paid, interest at the rate of one per centum per month shall be payable on the unpaid amount until payment of the amount is made, and such interest shall be collected and recoverable in the same manner as rent."

Repeal of Acts, 1974 No. 19 Transitional provision

55. The Land (Rent and Service Charge) Act, 1974, is hereby repealed.

56.-(1) The Minister shall, within a period not later than six months after the enactment of this Act, cause a valuation of rateable property to be prepared in respect of every authority, in accordance with the provisions of this Act.

(2) As soon as the rateable property in respect of every authority has been prepared a valuation roll shall be prepared in accordance with the provisions of this Act.

FIRST SCHEDULE

PRESCRIBED FORMS

Form 1
Section 13

NOTICE OF OBJECTION

To _____

(address of person upon whom notice is to be served)

I, _____ (name), of _____ (address, hereby give notice of objection to the following entry in the Valuation Roll/Supplementary Valuation Roll _____ published on _____ 19 _____ on the ground (s) that _____

| Plot No. | Address | Owner | Description | Area | Rateable Value |
|----------|---------|-------|-------------|------|----------------|
| | | | | | |

and I propose that the entry should be amended to read'

| Plot No. | Address | Owner | Description | Area | Rateable Value |
|----------|---------|-------|-------------|------|----------------|
| | | | | | |

Signed.....
Capacity.....
Date.....

SECOND SCHEDULE

Form 2

Section I 5

NOTICE OF REVALUATION

To:

(Rating Authority)

I, (name), of
hereby give notice that I require the hereditament whose entry in the Valuation Roll for (rating area) is as follows:

| Plot No. | Address | Owner | Description | Area | Rateable Value |
|----------|---------|-------|-------------|------|----------------|
| | | | | | |

to be included in the Supplementary Roll next caused to be prepared for (rating area)

Signed.....
Capacity.....
Date.....

THIRD SCHEDULE

Forms 3

Section 43

FORM OF SUMMARY WARRANT ATTACHMENT AND SALE

(Title)

To the Court Broker

These are to command you to attach and hold the movable property of
..... as set forth in the Schedule hereto, unless the said shall
pay you the sum of Shs being the rates due and owing by the said
.....

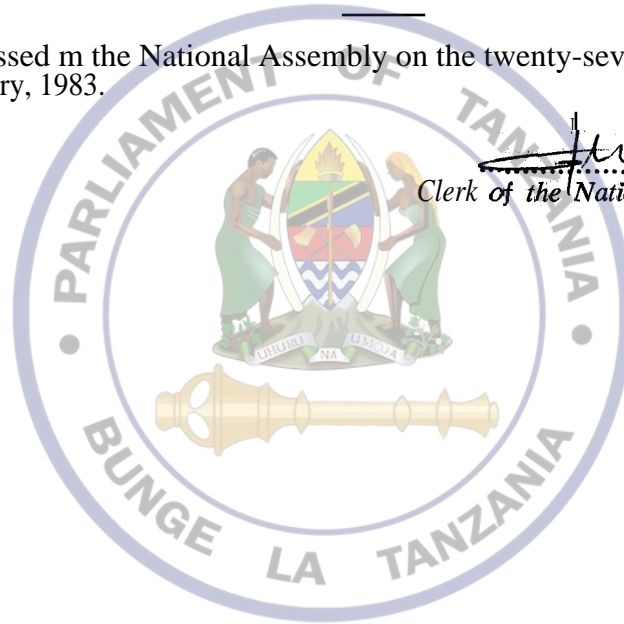
together with interest at the rate of one per centum for each month or part of a month from the _____ day of _____ and the costs of this attachment, and, after giving fourteen days notice, by affixing the same to this Court House and after making due proclamation, to sell by auction the same or so much thereof as shall realize the sum of Shs _____, together with such interest and the costs of attachment as aforesaid.

You are further Comanded to return this warrant on or before the _____ day of _____ with an endorsement artifying the manner in which it has been executed or the reason why it has not been executed.

Given under my hand and the seal of the Court, this _____ day of _____

Magistrate

Passed in the National Assembly on the twenty-seventh day of January, 1983.



Clerk of the National Assembly