

THE UNITED REPUBLIC OF TANZANIA



No. 4 OF 1993

I ASSENT,

Handwritten signature of Ali Hassan Mwinyi

President

11 June 1993

An Act to amend certain written laws pertaining to the local government

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Local Government Laws (Amendment) Act, 1993, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

PART II

AMENDMENT OF THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT, 1982

2. This part shall be read as one with the Local Government (District Authorities) Act, 1982, in this part referred to as the "principal Act".

Construction Acts, 1982 No. 7

3. Section 35 of the principal Act is amended by adding the following subsection immediately after subsection (4)—

Amendment of Section 35

"(5) Subject to the provisions of any other law, the electoral authority may provide the procedure to be followed by political parties in the nomination and election of names of members under subsection (1)(d)"

PART III

AMENDMENT OF THE LOCAL GOVERNMENT (URBAN AUTHORITIES)
ACT, 1982

Construction
Acts, 1982
No. 8

4. This part shall be read as one with the Local Government (Urban Authorities) Act, 1982, in this part referred to as the "principal Act"

Amendment of
Section 19

5. Section 19 of the principal Act is amended by adding the following immediately after subsection (4)—

"(5) Subject to the provisions of any other law, the Electoral Commission may provide the procedure to be followed by political parties in the nomination and election of names of members under subsection (1)(c), (2)(c) and (3)(c)."

PART IV

AMENDMENT OF THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1979

6. This part shall be read as one with the Local Authorities (Elections) Act, 1979, in this part referred to as the "principal Act."

Amendment of
Section 9

7. Section 9 of the principal Act is amended by adding the following subsection immediately after subsection (5):—

"(6) Notwithstanding subsection (1), the Director of Elections may, in any fit case, by notice published in the *Gazette*, appoint any person by name or office to be a Returning Officer for any local government authority instead of the one referred to in subsection (1) and where such a person is so appointed, the City Director, Municipal Director, Town Director or District Executive Director as the case may be, shall cease to be the Returning Officer of that local authority"

Amendment of
Section 42

8. Section 42 of the principal Act is amended by deleting subsection (5) and substituting for it the following:—

"(5) The Electoral Commission shall prescribe the number of nomination papers and the manner of issuing them."

Amendment of
Section 58

9. Section 58 of the principal Act is amended by deleting subsection (1) and substituting for it the following:—

"(1) Each candidate may appoint one person to be known as a polling agent to attend at each polling station within the ward or, as the case may be, village, for which he is a candidate for the purpose of:—

(a) detecting personation;

- (b) representing and safeguarding the interests of the candidate at the polling station; and”
- (c) co-operating with the presiding officer and polling assistants to secure the smooth compliance with the law and procedure pertaining to the conduct of the voting and the elections at the polling stations.

10. Section 60 of the principal Act is amended in paragraph (a) by inserting immediately after the word “photographs” the words “the name in acronym of his party”

Amend-
ment of
Section 60

11. Section 63 of the principal Act is amended by deleting subsection (2) and substituting for it the following:—

Amend-
ment of
Section 63

“(2) The presiding officer shall regulate the admission of voters to the polling station and shall exclude all other persons except candidates, the polling agent if any, polling assistants, police officers on duty, Director of Elections or any other person authorized by him in writing in that behalf and any other person who in his opinion has lawful reason to be admitted”

12. Section 73 of the principal Act is amended by inserting the following words immediately after the word “agents” appearing in the third line:—

Amend-
ment of
Section 73

“and such persons as may be authorized in writing by the Electoral Commission.”

13. Section 109 of the principal Act is amended:—

Amend-
ment of
Section
109

(a) in subsection (1):—

- (i) by deleting the words “whose determination shall be final”;
- (ii) by deleting the comma which appears after the word “court” and substituting for it a full stop.

(b) by deleting subsections (2), (3) and (4);

(c) by adding the following subsection immediately after subsection (1):—

“(2) All appeals under this Section shall lie to the high Court”.

14. Section 125(2)(a) is amended by deleting the word “Minister” and substituting for it the words “Electoral Commission”

Amend-
ment of
Section
125

Passed in the National Assembly on

23rd April, 1993

G. F. MLAWA,

Clerk of the National Assembly