

THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 1968

I ASSENT,

Julius K. Nyerere
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President

1st. FEBRUARY, 1968

An Act to establish the National Water Resources Council and to provide for its constitution, functions and for matters related thereto or connected therewith

[2ND FEBRUARY, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Water Resources Council Short title Act, 1968.

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

“appointed member” means a member of the Council appointed by the President under sub-paragraph (g) of paragraph 1 of the Schedule to this Act.

Interpreta-
tion

“Council” means the National Water Resources Council established by section 3;

“financial year” in relation to the Council, includes the Council’s first accounting period, whether shorter or longer than a year, and, if the Council changes its accounting year, includes any accounting period, whether shorter or longer than a year employed to give effect to the change;

“Minister” means the Minister for the time being responsible for development planning.

3.—(1) There is hereby established a Council which shall—

Establish-
ment of
council

(a) be a body corporate by the name of the National Water Resources Council, with perpetual succession and a seal;

(b) in its corporate name be capable of suing and being sued; and

(c) be capable of holding, purchasing and otherwise acquiring and disposing of any property, movable or immovable, for the purpose of carrying out its functions under this Act.

(2) The provisions of the Schedule to this Act shall have effect with respect to the constitution and proceedings of the Council.

Functions of
the Council

4.—(1) The functions of the Council shall be—

- (a) to prepare or cause to be prepared development plans for the river basins of Tanganyika and project feasibility reports in relation thereto and to make such plans and reports available to the Government;
- (b) to advise the Government generally on the utilization and development of the water resources of Tanganyika.

(2) The Council shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental to their proper discharge and may carry on any activities in that behalf either alone or in association with any other person or body.

(3) Subsection (2) relates only to the capacity of the Council as a body corporate and does not authorize the disregard by the Council of any enactment or rule of law.

Staff and
service

5. The Council may from time to time—

- (a) appoint on such terms and conditions as it may think fit such officers and servants as it may consider necessary for carrying out its functions under this Act; and
- (b) enter into arrangements with persons, firms or agencies for the supply of services or facilities and for the performance of such surveys and other investigations, including the detailed preparation of river basin plans and project feasibility reports, as the Council may consider necessary.

Funds of
Council

6. The funds and resources of the Council shall consist of—

- (a) such sums as may be provided by Parliament for the purpose;
- (b) any loan granted to the Council by the Government or any other person with the approval of the Minister;
- (c) any sums or property which may in any manner become payable to or vested in the Council in respect of any matter incidental to the carrying out of its functions.

Report by
Council

7. The Council shall, within six months after the end of each financial year, make a report to the President on the conduct of its business during that year, and the President shall cause a copy thereof to be laid before the National Assembly.

Accounts
and Audit

8.—(1) The Council shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in a form approved by the Minister, being a form which conforms to the best commercial standards.

(2) Subject to any resolution of the National Assembly under section 28 of the Exchequer and Audit Ordinance, the accounts of the Council shall be audited by auditors appointed annually by the Minister.

(3) As soon as the accounts of the Council for any financial year have been audited, the Council shall cause to be sent to the Minister a copy of the statement of accounts prepared in respect of that year together with a copy of any report made by the auditors thereon.

(4) The Minister shall, within a period of six months (or such longer period as the National Assembly may by resolution appoint) after the end of the financial year to which the accounts relate, lay a copy of every statement and auditor's report before the National Assembly.

SCHEDULE

(Section 3 (2))

- 1.—(1) The Council shall consist of:—
- (a) the Minister for Economic Affairs and Development Planning;
 - (b) the Minister for Finance;
 - (c) the Minister for Lands, Settlement and Water Development;
 - (d) the Minister for Agriculture and Co-operatives;
 - (e) the Minister for Commerce and Industries;
 - (f) the Minister for Local Government and Rural Development;
 - (g) such other persons not exceeding four in number as the President may appoint.
- (2) An appointed member of the Council shall, unless his appointment is sooner terminated by the President or he otherwise ceases to be a member, hold office for three years.
- (3) An appointed member may at any time resign by giving notice in writing to the President and from the date specified in the notice or, if no date is specified, from the date of the receipt by the President of the notice, he shall cease to be a member of the Council.
- (4) If an appointed member is absent from more than four consecutive meetings of the Council without the permission of the Council or without such permission is absent from the United Republic for a period exceeding six months he shall cease to be a member of the Council.
2. The Minister for Economic Affairs and Development Planning shall be the chairman of the Council and the Council shall elect from amongst its members a vice-chairman who should hold office for one year but shall be eligible for re-election.
- 3.—(1) The Council shall meet at such times as may be necessary or expedient for the transaction of business.
- (2) At any meeting of the Council five members thereof shall constitute a quorum.
- (3) At any meeting of the Council, the chairman shall preside or, in the absence of the chairman, the vice-chairman shall preside or if the vice-chairman is also absent, the members present at the meeting shall elect one of their number to be chairman for that meeting.
- (4) In the event of an equality of votes, the chairman of the meeting shall have a casting vote in addition to his deliberative vote.
- (5) Minutes in proper form of each meeting of the Council shall be kept and shall be confirmed by the Council at the next meeting and signed by the chairman of that meeting.
4. The President may, after consultation with the Council, by order published in the *Gazette*, from time to time vary the constitution of the Council.
5. Subject to the provisions of paragraph 3 relating to a quorum, the Council may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Council shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.
6. The appointed members of the Council shall be paid out of the funds thereof such expenses as the Minister may from time to time determine.

Constitution

Chairman and Vice-Chairman

Quorum and Procedure

President may vary constitution of the Council

Vacancies, etc., not to invalidate proceedings

Remuneration and expenses

Passed in the National Assembly on the fifteenth day of January, 1968.


Clerk of the National Assembly