

THE UNITED REPUBLIC OF TANZANIA



No. 9 OF 1968

I ASSENT,

Julius K. Nyerere
President

1st. FEBRUARY, 1968

An Act to Empower Local Authorities to require the exterior decoration of buildings, to require the demolition of dangerous or unsightly temporary buildings and for matters related thereto or connected therewith

[2ND FEBRUARY, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

1.—(1) This Act may be cited as the Local Authorities (Decoration of Buildings) Act, 1968. Short title and application

(2) This Act shall bind the Government of the United Republic.

2. In this Act unless the context otherwise requires—

Interpretation

“authority” where the area is a city means the city council, where the area is a municipality means the municipal council, where the area is a township means the town council and where the area is that of a district council means such council;

“authorized officer” means, in relation to any authority, an officer of the authority authorized by it in writing, either generally or specially, to act in matters of any specified kind, or in any specified matter;

“building” includes a part of a building;

“district council” means a district council established under the Local Cap. 333 Government Ordinance;

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

“municipal council” means a municipal council established under the Cap. 105 Municipalities Ordinance and also means the City Council of Dar es Salaam;

“occupier” means any person—

(a) in actual occupation of a building; or

(b) entitled to occupy a building under a grant by the owner, and where the same building is occupied by several members of one family, means the reputed head of such family;

“owner” in relation to a building means the holder of a government lease or a right of occupancy in respect of the land on which the building is constructed;

“town council” means a town council established under the Local Government Ordinance;

“urban area” means an area within the jurisdiction of a city, municipal or town council, and an area which, immediately before the establishment of a district council for any part of Tanganyika, was a township declared under the Township Ordinance or a minor settlement declared under the Minor Settlements Ordinance.

Cap. 101

Cap. 102

Authority
may serve
notice to
redecorate

3.—(1) If it appears to an authority that a building in an urban area within its jurisdiction is in need of exterior decoration to the extent that its appearance is shabby and unsightly and is seriously detrimental to the amenities of the neighbourhood, the authority may, subject to this Act, serve a notice in the prescribed form upon the owner or occupier of that building requiring that the exterior of the building be decorated to a reasonable standard.

(2) A notice served under subsection (1) shall specify the nature of the work required to be performed and the time within which the work so specified shall be completed.

(3) An authority shall not be empowered to serve a notice under subsection (1) where—

(a) the building is in an area which has been declared to be a re-development area under section 35 of the Land Acquisition Act, 1967; or

(b) the building is in such a state of disrepair or decay that it would not be consistent with prudent estate management to repair it; or

(c) the lease or right of occupancy of the land on which the building stands will expire within three years and the Commissioner for Lands has certified in writing that he will not renew such lease or right of occupancy or has certified that he will renew such lease only upon the building being demolished or substantially reconstructed;

(d) three years have not elapsed since the building was decorated pursuant to a notice served under subsection (1).

Authority
may serve
notice to
demolish

4.—(1) If it appears to an authority that any temporary building or structure in an urban area within its jurisdiction—

(a) is in such condition as to be dangerous to persons in the building or nearby; or

(b) is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood,

the authority may, subject to this Act, serve a notice in the prescribed form upon the owner or occupier of the building or structure requiring that it be demolished and any rubbish resulting from the demolition be removed.

(2) For the purposes of this section, a temporary building or structure is one which is movable or is reasonably likely to be temporary in nature by reason of the lack of durability of the materials with which it is constructed or the manner in which it is constructed.

5.—(1) Any person aggrieved by the service on him of a notice under section 3 or section 4 may within thirty days of the said service on him, or within such longer period as the Minister may allow, appeal against the notice in writing to the Minister who may, after taking into account any written submissions which the authority and the appellant may make, cancel or vary any such notice; and the decision of the Minister shall be final and may not be challenged in any court.

(2) An appeal under subsection (1) shall lie on any of the following grounds—

- (a) that the notice is not justified by the terms of section 3 or section 4, as the case may be;
- (b) that the work or demolition required to be performed is unreasonable having regard to all relevant circumstances;
- (c) that the time within which the work or demolition is to be completed is not reasonably sufficient for the purpose;
- (d) that the person upon whom the notice is served does not have, and is unable to borrow or otherwise raise, sufficient resources to enable the work or demolition to be performed;
- (e) that the notice might lawfully have been served on the occupier of the building in question instead of on the owner, or on the owner instead of the occupier, and that it would have been equitable for it to have been so served.

(3) Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (e) of subsection (2), the appellant shall serve a copy of his appeal on the other person referred to and that person shall have the right to make submissions to the Minister in relation to that appeal and the Minister shall take such submissions into account before determining the appeal.

(4) In exercising his powers under this section the Minister shall have regard as between an owner and an occupier to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the work required.

6. Subject to the right of appeal conferred by section 5, if a person required by a notice served on him under section 3 or section 4 fails to execute the works or demolition specified in the notice within the time thereby limited, the authority may execute the works or cause them to be executed and recover from that person the expenses reasonably incurred by it in so doing:

Provided that where a notice has been served upon an occupier who, had he executed the works pursuant to the notice under section 3 would have been entitled under section 8 to recover from the owner the necessary expenses incurred by him in executing the work, the Minister may, on the application of the occupier, and after giving the owner an opportunity of being heard direct that the expenses incurred by the

authority be recovered from the owner, either by requiring the occupier to pay to the authority any rents payable to the authority until the amount of such expenses is fully recovered, or otherwise, and upon such direction being given the owner shall be liable accordingly.

Power to enter

7.—(1) Subject to this section, any authorized officer of an authority shall, on producing, if so required, a duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours for the purpose of ascertaining whether circumstances exist which would authorize the authority to issue a notice or execute or cause to be executed any work or demolition under this Act:

Provided that admission to any premises not being a factory, workshop or workplace shall not be demanded as of right unless twenty-four hours notice of intended entry has been given to the occupier.

(2) An authorized officer entering any premises by virtue of this section may take with him such other persons as may be necessary to effect the purpose of the visit.

Occupier may recover from owner

8. Subject to any liability imposed on him by the terms and conditions, whether contractual or statutory, of the tenancy whereunder he holds the building, an occupier who is required to execute and does execute any work pursuant to a notice under section 3 or from whom the expenses of executing the work are recovered by the authority, may recover from the owner the necessary expenses incurred by him in executing the work or the expenses recovered from him, as the case may be; and without prejudice to any other means of recovery, an occupier may set off the amount of such expenses against his liabilities to the owner for rent or otherwise under the tenancy.

Authentication of notices

9.—(1) A notice served under section 3 or 4 shall be signed on behalf of the authority by—

- (a) the clerk of the authority; or
- (b) any officer of the authority authorized by it in writing to sign notices of that kind or, as the case may be, a particular notice.

(2) A notice purporting to bear the signature of an officer expressed to hold an office by virtue of which he is under subsection (1) empowered to sign a notice or expressed to be duly authorized by the authority to sign such a notice or the particular notice, shall, for the purposes of this Act, be deemed, until the contrary is proved, to have been duly given by the authority.

Service of notices

10. A notice under this Act may be served—

- (a) by delivering it personally to the person concerned; or
- (b) by leaving it or sending it by registered post to the person concerned at his usual or last known place of residence; or
- (c) in the case of a body corporate or a firm, by delivering it or sending it by registered post to the registered office or principal place of business of the company or body;
- (d) in the case of the Government, by delivering it or sending it by registered post to the Principal Secretary of the Ministry responsible for the building in question;

- (e) in the case of a notice to be served on the owner or occupier of any building, if it is not practicable, after reasonable enquiry, to ascertain the name and address of the person on whom it should be served, or if the premises are unoccupied, by addressing it to the person concerned by the description of "owner" or "occupier" of the building (describing it) to which it relates, and delivering it to some person in the building or on the premises on which the building stands or, if there is no such person apparent to whom it may be delivered, by affixing it, or a copy of it, to some conspicuous part of the building.

11.—(1) For the purpose of enabling it to perform its functions under this Act, an authority may require the occupier of any building within its area, and any person who either directly or indirectly receives rent in respect of any building within its area, to state in writing the nature of his own interest therein and the names and addresses of all persons known to or believed by him to have an interest therein. Authority may require information

(2) Any person who having been required by an authority in pursuance of subsection (1) to give to it any information, fails to give such information or knowingly makes a false statement in respect thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

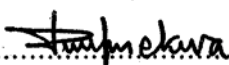
12. Any person who wilfully obstructs any person acting in the execution of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred shillings for each day during which the obstruction continues. Obstruction

13. The Minister may make regulations prescribing anything which is to be prescribed under this Act and generally to give effect to the purposes of this Act. Regulations

14. The Minister may give directions to local authorities as to the manner in which local authorities shall exercise their powers under this Act. Direction

Provided that no such direction shall be inconsistent with any provision of this Act or of any regulation made thereunder.

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


Clerk of the National Assembly