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.

(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 Government Ordinance;

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

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

“occupier” means any person—

(a) in actual occupation of a building; or
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(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.

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).

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.

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, work-
shop 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.

8. Subject to any liability imposed on him by the terms and condi-
tions, 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.

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 express 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.

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.

(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.

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.

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

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.

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Clerk of the National Assembly