

THE UNITED REPUBLIC OF TANZANIA



No. 40 OF 1969

I ASSENT,

Julius K. Nyerere
President

6TH NOVEMBER, 1969

An Act to amend the Highways Ordinance

[7TH NOVEMBER, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Highways Ordinance (Amendment) Act, 1969 and shall be read as one with the Highways Ordinance (hereinafter referred to as "the Ordinance").

2. The Ordinance is amended by deleting the words "the President", "the Governor", "the Governor in Council", "the Director of Public Works", wheresoever they occur therein, and substituting in each case the word "Minister".

References to the President and the Director of Public Works to be construed as references to the Minister

3. Section 2 of the Ordinance is amended by inserting in its appropriate alphabetical position the following definition:—
"Minister" means the Minister responsible for communications;

Section 2 of Cap. 167 amended

4. Section 4 of the Ordinance is repealed and replaced by the following section:—

Section 4 of Cap. 167 repealed and replaced

"4. The Minister may, by order published in the *Gazette*, establish Central Road Board and provide in any such order or any subsequent order for the composition and proceedings of the Board."

5. Section 5 of the Ordinance is amended by deleting the comma and words "Director of Public Works or any district road board" and substituting therefor the words "or any road authority".

Section 5 of Cap. 167 amended

Sections 6
and 7 of
Cap. 167
substituted

6. The Ordinance is hereby amended by repealing sections 6 and 7 and substituting therefor the following new sections:—

“Establish-
ment of
Regional
Road Boards

6.—(1) The Minister may establish for any region a Regional Road Board.

(2) The provisions of the Third Schedule to this Ordinance shall have effect with respect to the constitution and proceedings of every Board established under subsection (1).

Functions
of Regional
Road Boards

7. The functions of every Board established under section 6 shall be to advise and make recommendations to the Minister respecting the construction, improvement, alteration, reconstruction, maintenance and supervision of highways, ferries and aerodromes within the region for which the Board has been established other than the highways within the area of jurisdiction of any city council or municipal council established under the Municipalities Ordinance.”

Cap. 105

Section 14 of
Cap. 167
substituted

7. The Ordinance is hereby amended by repealing section 14 and substituting therefor the following new section:—

“Plans of
highways

14. The Minister shall cause a plan or survey to be prepared of all public highways specified in the First Schedule to this Ordinance, and from time to time shall cause any road declared to be a public highway under the provisions of this Ordinance and any deviation or alteration made in any existing public highway to be added to the plan or survey. Such plan or survey shall be authenticated by the signature of a Government surveyor or other public officer authorized by the Minister in that behalf.”

Section 15 of
Cap. 167
amended

8. Section 15 of the Ordinance is hereby amended—

- (a) by deleting in subsection (1) the brackets and figure “(1)” occurring in the beginning of that subsection and the words “and may order a district board to hold a public inquiry and report upon the necessity for such proposed or widened or realigned highway, its proposed alignment, and any private rights likely to be affected thereby”; and
- (b) by deleting subsections (2) and (3).

Section 17 of
Cap. 167
amended

9. Section 17 of the Ordinance is hereby amended—

- (a) by deleting the words “district board of the area in which such lands are situate, or, if there be no such board, to the Director of Public Works”, and substituting therefor the words “road authority”;
- (b) by deleting in the proviso the words and commas “district board or the Director of Public Works, as the case may be,” and substituting therefor the words “road authority”; and
- (c) by deleting in the proviso the words “district board” where they occur for the second time and substituting therefor the words “road authority”.

10. Section 18 of the Ordinance is hereby amended by deleting the words "district board or Director of Public Works" and substituting therefor the words "road authority". Section 18 of
Cap. 167
amended

11. Section 19 of the Ordinance is hereby amended— Section 19 of
Cap. 167
amended

(a) by deleting the words "district board or the Director of Public Works" wheresoever they occur and substituting therefor in each case the words "road authority"; and

(b) by deleting in subsection (1) the words "board or Director of Public Works" and substituting therefor the words "road authority".

12. Sections 20, 21 and 23 of the Ordinance are hereby amended by deleting the words "a district board or the Director of Public Works" and the words "the board or Director of Public Works" wheresoever they occur in those sections and substituting therefor in each case the words "the road authority". Sections 20,
21 and 23 of
Cap. 167
amended

13. Section 48 of the Ordinance is hereby amended by deleting the comma and words ", the Director of Public Works". Section 48 of
Cap. 167
amended

14. The Ordinance is hereby amended by adding after the Second Schedule thereto the following new Schedule:— New Schedule
added to
Cap. 167

THIRD SCHEDULE

CONSTITUTION AND PROCEEDINGS OF REGIONAL ROAD BOARDS

1. In this Schedule "Board" means a Regional Road Board. Interpreta-
tion
2. Every Board shall consist of— Constitution
 - (a) the Regional Commissioner or his representative;
 - (b) Members of the National Assembly representing the region for which the Board is established;
 - (c) the Regional Engineer appointed by the Minister;
 - (d) the Area Commissioners of the districts in the region;
 - (e) Executive Officers of all the district councils in the region;
 - (f) the Regional Agricultural Officer; and
 - (g) not more than three other members appointed by the Minister after consultation with the Regional Commissioner.
- 3.—(1) The Regional Commissioner shall be the Chairman of the Board. Chairman
and Vice-
Chairman
 - (2) The Members of the National Assembly who are members of the Board shall elect from amongst themselves a Vice-Chairman.
 - (3) The person who has been elected as a Vice-Chairman shall hold office for a period of one year and shall not be eligible for re-election on the the expiry of the term of his office:

Provided that where each of the Members of the National Assembly who is a member of the Board has served as a Vice-Chairman of the Board they may elect any one of their number to be a Vice-Chairman for another term of office.
- 4.—(1) The Regional Engineer shall serve as the Secretary of the Board. Secretary,
quorum and
procedure
 - (2) The Board shall hold meetings for the transaction of business not less than once in every three months, on such days and at such hours as the Chairman or, in his absence, the Vice-Chairman, may appoint and whenever such appointment is made the Secretary shall give notice thereof to each of the members.

(3) The quorum at any meeting of the Board shall be the Chairman or the Vice-Chairman and one-half of the total number of the remaining members of the Board, and where such total number of the remaining members is indivisible integrally by two, the next whole number above one-half.

(4) At any meeting of the Board the Chairman shall preside or, in the absence of the Chairman, the Vice-Chairman shall preside.

(5) In the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(6) Minutes in proper form of each meeting of the Board shall be kept by the Secretary or, in the absence of the Secretary, by any member appointed for that purpose by the Chairman of the meeting, and shall be confirmed by the Board at the next meeting and signed by the Chairman of the meeting.

Vacancies
not to
invalidate
proceedings

5. The Board may act notwithstanding any vacancy in the membership thereof and no act or proceedings of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.

Remuneration
and expenses

6. The Minister may, out of the funds available to him and which he may lawfully make use of for that purpose, pay the members of the Board such expenses and allowances as he may from time to time determine."

Repeal and
saving

15.—(1) The Regional Road Boards Act, 1967 is hereby repealed.

(2) Notwithstanding the repeal of the aforesaid Act, the Regional Road Boards established under that Act shall continue to function and shall be deemed to have been established under section 6 of the Ordinance as amended by this Act.

Passed in the National Assembly on the twenty-third day of October, 1969.


Clerk of the National Assembly