

TANGANYIKA



NO. 18 OF 1962

I ASSENT,

Richard M. Mwaanga
Governor-General

29TH JUNE, 1962

An Act to Transfer certain Statutory Functions to Area Commissioners and for matters incidental thereto and connected therewith and to amend the Interpretation and General Clauses Ordinance and the National Assembly (Disqualification) Ordinance

[.....]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Area Commissioners Act, 1962, and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint. Short title and commencement

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

“Area Commissioner” means a person appointed in accordance with section 48A of the Constitution to be an Area Commissioner;

“Minister” means the Minister for the time being responsible for local government. Interpretation

3.—(1) Where an Area Commissioner is or was, prior to the coming into operation of this Act, appointed for any area then— References to “District Commissioner” to be read as references to “Area Commissioner”

(a) if the date of his appointment was prior to the coming into operation of this Act, in relation to any period commencing on or after the date on which this Act comes into operation; or

(b) if the date of his appointment is on or after the date of coming into operation of this Act, in relation to any period commencing on or after the date of his appointment,

every reference in any written law to “District Commissioner” or to the administrative officer or District Officer in charge of a District or place shall, subject to the provisions of subsection (2), be read in relation to that area as a reference to “Area Commissioner”.

(2) Notwithstanding the provisions of subsection (1), the Governor-General may, by order, declare, whether for the avoidance of doubt or otherwise, that any reference in any written law to "District Commissioner" or to the administrative officer or District Officer in charge of a District or place shall be read and construed as a reference to such person as may be specified in the order, and where such order is made the reference in such written law shall be read and construed accordingly.

(3) An order made under subsection (2) may—

- (a) be made between the passing of this Act and the date of coming into operation thereof; or
- (b) if made after the coming into operation of this Act, be expressed to have effect retrospectively from any date specified therein (being a date not earlier than the date of coming into operation of this Act) and, if so expressed, shall have effect accordingly.

Exercise of functions when Area Commissioner unable to act

4. If during any period the office of an Area Commissioner is vacant or if an Area Commissioner is during any period, owing to absence or inability to act from illness or any other cause, unable to exercise the powers or perform the duties of his office, such powers shall be had and may be exercised and such duties shall be performed by the person appointed to be an acting Area Commissioner for that area or, if no such appointment is made, by the person for the time being carrying out the functions of Regional Commissioner for the Region of which that area is a part.

Special provisions for Dar es Salaam Region

5. In relation to the Dar es Salaam Region, every reference in any written law to "District Commissioner" or to the administrative officer or District Officer in charge of a District or place shall, subject to the provisions of subsection (2) of section 3, be read and construed, in relation to any period commencing on or after the date of coming into operation of this Act, as a reference to the Regional Commissioner of that Region.

Amendment of Cap. 1

6. The Interpretation and General Clauses Ordinance is hereby amended in subsection (1) of section 2 thereof as follows:—

- (i) by inserting in the appropriate alphabetical position the following new definition:—

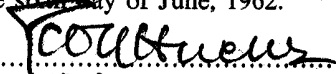
"Area Commissioner" means an Area Commissioner appointed under section 48A of the Constitution;"; and

- (ii) by deleting the word "area" in the first line of the definition "Region" and substituting therefor the word "part".

Amendment of Cap. 401

7. The National Assembly (Disqualification) Ordinance is hereby amended by deleting the words "or Regional Commissioner" in the twelfth line of the definition "public office" in section 2 thereof and by substituting therefor the comma and words ", Regional Commissioner or Area Commissioner".

Passed in the National Assembly on the sixth day of June, 1962.


Clerk of the National Assembly