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SUBSIDIARY LEGISLATION

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GOVERNMENT NOTICE No. 37 published on 5/02/2010

THE CONSTITUENCIES DEVELOPMENT CATALYST FUND ACT

(No. ... OF 2009)

REGULATIONS

Made under section 26 (1)

THE CONSTITUENCIES DEVELOPMENT CATALYST FUND REGULATIONS, 2010

PART I
PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Constituencies Development Catalyst Fund Regulations, 2010 and shall come into operation on the date of its publication in the *Gazette*.

Application

2. These Regulations shall apply to Mainland Tanzania as well as Tanzania Zanzibar.

Interpretation

3. In these Regulations unless the context requires otherwise;-
"Act" means the Constituencies Development Catalyst Fund Act, 2009;
"Committee" means the Constituencies Development Catalyst Fund Committee established under the Act;
"Community" mean residents of a particular geographical area;
"Council" means:-

(a) When used in relation to a District, means the District Council for the District;

(b) When used in relation to Town, Municipal and City, means the Town Council, Municipal Council and the City Council;

"Council Planning Officer" means a Public Officer employed by the Local Government Authority responsible for all development projects in the Council;

"Consitituency" means an electoral Constituency established by Electoral Commission pursuant to Article 75 of the Constitutions;

"Constituency Account" means the account maintained for every Constituency in accordance with the provision of Section 22 of the Act;

"Constituency Development Catalyst Committee" means the Committee established under Section 10 of the Act;

"Fund" means the Constituencies Development Catalyst Fund established under section 4 of the Act;

"Minister" means the Minister responsible for Local Governments in the case of Mainland Tanzania and Minister responsible for Union Matters in the case of Tanzania Zanzibar;

"O and OD" (Opportunities and Obstacles to Development) means a planning methodology which operates within the structures of Local Government Authorities and in line with overall national plan and budgets which was introduced by the Government in 2001, it starts with opportunities rather than obstacles in order to invigorate the need to look for home growth solutions to obstacles to development in the very locality. Hence promoting ownership and instilling a sense of self - reliance in the respective community.

PART II

FINANCIAL MANAGEMENT

Bank accounts and signatories

4.-(1) The Council shall open Special Bank Account in the name of each Constituency and shall immediately inform the Constituencies Development Catalyst Fund Committee in each Constituency.

(2) The name of the account shall bear the name of the Constituency for which the Account has been made.

(3) Two signatories shall be required for every cheque for actual payment or withdrawal of the Constituency Development Catalyst Funds. The signatories of the Account shall be as follows:-

GROUP A

(a) Council Director

(b) the Council Planning officer

GROUP B

(a) the Council Treasurer

(b) the Council Accountant

Provided that where the Council has more than one Constituency, the Officers referred to in Sub-Regulation (3) shall be the signatories to all Constituency Accounts opened and maintained by the Council.

(4) A cheque drawn for the Constituency Development Catalyst Fund Account or any instructions shall be signed by two (2) signatories comprising one signatory from Group A and one from Group B.

Allocation of funds

5.-(1) The allocation of funds for development expenditure of each Constituency shall be made in accordance with the prescribed criteria as stipulated under Section 5 of the Act.

(2) The Funds for development activities under this Act shall be directly posted from the Treasury to the Constituency Development Catalyst Fund Account and the notification be sent to the Council Director.

Accounting officer

6.-(1) Subject to the provision of Sub-Regulation (2) the Council Director shall be the Accounting Officer of the Constituency Development Catalyst Fund in every Constituency which is situated in his area of jurisdiction and the Council Treasurer shall be the accountant.

(2) In case of Tanzania Zanzibar, the District Officer shall be the Accounting Officer of the Constituency Development Catalyst Fund in every Constituency which is situated in his area of jurisdiction.

(3) The Accounting Officers of the Constituency Development Catalyst Fund shall have the overall responsibility for the execution of the financial and procurement procedures.

Disbursement from the fund

7.-(1) The Treasury shall disburse the funds either by Bank Transfer or by cheque to Constituency Development Catalyst Fund Accounts maintained by the Councils accompanied by a list of Constituencies and reflecting the allocation to each Constituency in the council for Mainland Tanzania or District in case of Tanzania Zanzibar.

(2) All disbursement from the Fund shall be approved by the Constituency Development Catalyst Committee and shall be made throug the Constituency Account opened and maintained for every Constituency in accordance with section 22 of the Act.

Management of surplus

8. Any surplus realized as a result of no-utilization of funds in any financial year shall be ratained in the Fund Account.

Retention of receipts

9. The receipts, saving, and accruals to the Constituency Account and the balances thereof at the end of each financial year shall be retained in the Constituency Account for the purposes for which the Account is maintained.

Government procedures

10. The Constituency Development Catalyst Funds shall be managed and accounted for in accordance with the Public Finances Act, Local Government Finances Act, The Public Procurement Act and related Regulations including the Local Government Authorities Tender Boards (Establishment and Proceedings) Regulations.

Auditing

11. The Constituency Development Catalyst Fund Account shall be audited by the office of the Controller and Auditor General in the same manner as other public funds.

PART III

CONSTITUENCIES DEVELOPMENT COMMITTEE

Composition

12. Membership of the Constituency Development Catalyst Committee shall be seven (7) and shall comprise of the following:-

(a) Elected Member of Parliament in the Constituency who shall be the Chairman;

(b) two Councilors nominated by the Council amongst the councillors in the Constituency, one of whom shall be a woman.

(c) two Ward Executive Officers working in the Constituency for Mainland Tanzania and one Shcha working in the Constituency for Tanzania Zanzibar;

(d) one Person nominated by the Committee from amongst active NGO in the Constituency;

(e) District Planning Officer who shall be Secretary.

Provided that where the Council has more than one Constituency, the District Planning Officer shall be the Secretary to all Committees.

Appointment of members

13.-(1) In case of Mainland Tanzania, the members reffered to in Paragraph (c) of Sub-Regulation (1) shall be appointed by the Council Director from amongst the Ward Executive Officers working in the Constituency.

(2) In case of Tanzania Zanzibar, the members referred to in Paragraph (c) of Sub-Regulation (1) shall be appointed by the District Officer from amongst the Shehas working in the Constituency.

Conflict of interests

14.-(1) If any member of the Committee has a direct or indirect personal interest in a matter being considered or is to be considered by the Committee he shall as possible after the relevant facts concerning the matter has come to his knowledge disclose the nature of the interest to the Committee.

(2) A disclosure of interest made by a member of the Committee under Sub-Regulation (1) shall be recorded in the Minutes of the meeting of the Committee and the member shall not participate in the matter unless the Committee directs otherwise.

Tenure of office

15.-(1) The term of office for members of the Committee shall be thirty calendar months renewable, but shall automatically come to an end upon the appointment of a new Committee in a manner provided by the Act.

Vacation of office

16.-(1) Any member of the Committee may resign his office by written notification under his hand addressed to the chairperson of the Committee.

(2) Any member of the Committee may be removed from the office by the Committee if he-

(a) has been absent from three consecutive meetings of the Committee without permission from the Chairperson: or

(b) has been adjudged or otherwise declared to be of unsound mind;

(c) is convicted of an offence involving dishonesty, fraud or moral turpitude; or

(d) is convicted if a criminal offence and sentenced to imprisonment for a term exceeding six months; or

(e) is incapacitated by prolonged physical or mental illness; or

(f) is otherwise unable or unfit to discharge his functions.

(3) No act or proceedings of the Committee shall be invalid by the reason only of a vacancy or defect in composition of the Committee.

PART IV

MEETINGS AND PROCEEDINGS

Ordinary meetings

17.-(1) Subject to the provisions of Regulation 18, the Committee shall hold an ordinary meeting for the transaction of its business at least once in every three months at such place, on a date and at such time as may be decided by the Chairperson.

(2) The first ordinary meeting of the newly composed Committee shall be held within two months after the establishment of the Committee.

(3) Meetings of the Committee shall be convened by the Chairperson or in his absence by a Councillor to be appointed by the Chairperson.

Extra ordinary meetings

18.-(1) Subject to the provisions of Sub-Regulation (2) the Chairperson may convene extra ordinary meeting, after he receives a written request to that effect signed by not less than one third of all members of the Committee stating clearly the purposes for which the extra ordinary meeting is requested.

(2) The number of the extra ordinary meetings shall not exceed two in every financial year and shall be bi-annually held.

Quorum

19. Two third of the members of the Committee shall form a quorum for a meeting of the Committee.

Decision of the committee

20. At any meeting of the Commitee a decision of the majority of the members present and voting shall be recorded as the decision of the Committee, and where there is an equality of votes the Chairperson or presiding chairperson shall have a casting vote in addition to his deliberative vote.

Minutes of the meeting

21. The Secretary shall record and keep details of all business conducted or transacted at all meetings of the Committee in the books kept for that purpose and the minutes shall be read and confirmed at the next meeting of the Committee and signed by the Secretary and a person presiding at the meeting.

Payment of allowances

22.-(1) Subject to the provisions of Sub-Regulation (2) the members of the Committee shall be paid such allowances as shall be determined by the Minister in the consultation with the Minister for Finance.

(2) The allowance payable under these Regulations shall not exceed the amount of such allowance payable to the members of the Standing Committees of the Council in which the Constituency is situated.

PART V

TYPES OF PROJECTS

Types of projects

23.-(1) The types of projects to be financed under the Constituencies Development Catalyst Fund shall be developmental in nature and be beneficial to various stakehorders in the community.

(2) The planning and prioritization of projects to be implemented under this Fund shall be made in accordance with planning methodology based on obstacles and opportunity to development commonly known as O and OD methodology.

(3) No fund shall be allocated to any project which is owned, operated or managed by religious organization or political party notwithstanding the fact that the project is beneficial to the community.

PART VI

IMPLEMENTATION OF PROJECTS

Procurement laws

24.-(1) All works relating to projects shall be procured by the Council Tender Board in accordance with the Public Procurement Act and its Regulations and Local Government Authorities Tender Boards (Establishment and Proceedings) Regulations.

(2) The Council Director and the Council Planning Officer shall be signatories to all Contracts under these Regulations.

Reporting

25.-(1) The Council Planning Officer shall quarterly submit to the Council copies of the minutes of Constituency Development Catalyst Committee meetings, receipts and disbursement in respect of every project.

(2) The Council shall discuss and deliberate the report and recommend appropriate actions to be taken by the Constituency Development Catalyst Committee.

(3) The Council shall not vary, alter or rescind any decision of the Committee save where the decision of the Committee has been made in contravention of any written law.

I APPROVE.

Dodoma,
28th January, 2010

MIZENGO PETER PINDA (MP),
Prime Minister

GOVERNMENT NOTICE No. 38 published on 5/02/2010

VETERINARY ACT

(CAP. 319)

(Made under section 11)

THE VETERINARY (INSPECTORS) NOTICE, 2010

1. This Notice may be cited as the Veterinary (Inspectors) Notice, 2010. Citation

2. The Registered Veterinarians specified in the Schedule are hereby appointed as Inspectors, for five years effective from the date of publication of this Notice. Appointment of Inspectors

SCHEDULE

S/No.	*Name*	*District/Area of Operation*
1.	DR. KALAGWILA NTANWA	Kahama
2.	DR. TITO KAGIZE	Serengeti
3.	DR. SABINUS L. CHAULA	Kasulu
4.	DR. JAPAGA S. ALWAS	Mpanda
5.	DR. ERICK O. KAHISE	Namtumbo

Dar es Salaam,
22nd January, 2010

JOHN POMBE MAGUFULI,
Minister for Livestock Development and Fisheries

GOVERNMENT NOTICE No. 39 published on 5/2/2010

THE MINISTERS (DISCHARGE OF MINISTERIAL FUNCTIONS) ACT

(CAP. 299)

NOTICE

Made under section 5(1)

THE MINISTERS (ASSIGNMENT OF MINISTERIAL RESPONSIBILITIES) (AMENDMENT) NOTICE, 2009.

Citation G.N. No. 20 of 2008

1. This Notice may be cited as the Ministers (Assignment of Ministerial Responsibilities) (Amendment) Notice, 2009 and shall be read as one with the Ministers (Assignment of Ministerial Responsibilities) Notice, 2008 hereinafter referred to as the Principal Notice".

Amendment of the Second Schedule

2. The principal Notice is amended in the Second Schedule by inserting at the end of Ministerial Responsibility of the Minister of Finance and Economic Affairs in respect of responsibilities relating to "Public Finance" the following item:-

"Public Procurement Policy and its implementation".

L.S.

Given under my hand and the Public seal at Dar es Salaam this.....30th.... day of December, 2009.

State House,
Dar es Salaam.

.....
JAKAYA MRISHO KIKWETE
President