

THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT

(CAP. 287)

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**ORDER**

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*Made under section 11*

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THE LOCAL GOVERNMENT AUTHORITIES (DIVISION OF ASSETS AND LIABILITIES)  
ORDER, 2018

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| Citation           | 1. This Order may be cited as the Local Government Authorities (Division of Assets and Liabilities) Order, 2018  |
| Effective date     | 2. This Order shall come into operation after being gazette in the Government gazette.   |
| interpretation     | 3. In this Order unless the context otherwise requires:-<br>“Assets and liabilities” includes franchise, income, debts and expenses and all rights, interests, obligations and liabilities arising under contract;<br>“Authorities” means the Babati District Council and Babati Town Council;<br>“Minister” means the Minister for the time being responsible for Local Government. |
| Division of assets | 4. –(1) All movable and immovable assets, franchise income, debts, expenses and all rights, interests, obligation and liabilities arising under contract whose description is as in the schedule which were vested in the then Babati District   |

Council shall from the effective date

of this Order be vested in the Authorities in accordance with the allocation specified in the schedule.

(2) Any asset or liabilities stipulated in sub-section (1) above which shall remain unallocated as of the effective date shall be allocated and vested into the respective Authorities in such manner as the Minister may prescribe.

(3) For the avoidance of doubt, the details of some particular assets in respect of Movable Properties, Plants, Vehicles, Motorcycle and Boats, Office equipments ,Immovable properties, Liquid Assets, Projects are provided for in the First Schedule herein and details of Liabilities in respect of Debts are provided for in the Second Schedule.

(4) All public buildings and other properties which vested in the Babati District Council which have not been specifically mentioned in the schedules to this order shall vest in the authorities in which they are situated.

Liability in  
relation to assets

5.-(1) All liabilities in relation to the assets transferred to and vested by this Order in respect of which the then Babati District Council was liable immediately preceding the effective date shall with effect from the effective date by virtue of this Order and without further assurance be transferred to and vested in the said authority.

(2) the liability to which this paragraph applies shall, from the effective date, be deemed to be the liabilities of the Babati Town council and the Babati District Council shall be discharged from its obligations in respect of every such liability

Instruments

6. All instrument to which the Babati District council is a part and which relate to any asset or liability transferred to Babati Town council by this order, shall continue in force and

all the rights and liabilities of the Babati district council under such instrument shall be transferred to and vested into the Babati Town council.

Division of liquid assets and investments

7. Liquid assets and investments specified in the first schedule to this order vested in the Babati District Council shall, with effect from the effective date by virtue of this order and without further assurance be divided and vested to the Babati Town Council

Power of

8. For avoidance of doubt and without prejudice to any of the preceding provisions of this Order it is hereby declared that the authorities shall have and may exercise all such powers necessary or expedient to take appropriate measures to possess and recover any property to ascertain, perform and enforce any right and discharge any liability or obligation conferred or imposed on the authority by virtue of this Order.

9. –(1) Nothing in this Order shall be construed:-

- (a) as validating or rectifying or deemed to be validating or rectifying any instrument or any term, covenant, condition or any provision of any instrument to which this Order applies;
- (b) as creating in favour or against authority or any other party any right or liability conferred or imposed under such instrument;
- (c) as receiving the authorities obligation to which this order relate and which has ceased to be legally enforceable prior to the effective date of this Order;
- (d) as limiting the powers of the Minister to issue guidelines concerning the management, allocation or vesting of projects or anything not specifically

provided for in this Order.

(2) Any action or other proceedings pending or instituted by or against the then Babati District Council in respect of any assets or liability transferred to the Authorities to which this Order relates may be instituted or continued and completed by or against the authority.

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**FIRST SCHEDULE**

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<b>ASSETS</b>		
<b>Plants and Vehicles</b>	<b>BABATI DISTRICT COUNCIL</b>	<b>BABATI TOWN COUNCIL</b>
1.	SM 83-Box body	Gari STH 1125 l/crusser pickup
2.	SM 1146 – Tipper	STH 2801 l/cRUISER
3.	SM 2541	STH 1125
4.	STG 7330 l/w Base	SM 4242- H/Top
5.	SM 4243 – H/Top	GARI SM 4242 L/crusser H/T
6.	SM 3902 – H/Top	Gari STH 8008 L/Rover S/W
7.	SM 3903 –H/Top	Pikiiki STJ 1510
8.	SM 2563	STH 8008 – L/ROVER
9.	STK 804-d/Cabin	SM 3810 –M/Cycle
10.	STJ 3454 D/Cabin	STJ 1519 – M/Cycle
11.	STK 923 –H/Top	STJ7390- Long W/Base

12	Scraped Farm implements	0
13	Wheel Loader	0
14	Catapila	0
15	SM3807- M/cycle	0
16	SM 3758 –M/Cycle	0
17	STJ 1518 –m/cYCLE	0
18	STF 932 – L/Rover 109	0

<b>Office equipment</b>	<b>BABATI DISTRICT COUNCIL</b>	<b>BABATI TOWN COUNCIL</b>
1.	42 Tables	80 tables
2.	88 Chairs	87 chairs
3.	5 Cabinets	13 cabinets
4.	5 Computers	15 Computers
<b>Immovable properties</b>	<b>BABATI DISTRICT COUNCIL</b>	<b>BABATI TOWN COUNCIL</b>
1	The District Headquarters situated at Babati District Council	The building used as hostel of Babati District Council
2	The building used by education department and conference hall	The building used by court
3	0	The building used by water department situated at Mrara
4	0	The buildings of NHC

		(50)
5	TSC Office	The building used by District Executive Director
6	0	The building used by staff from agriculture department situate at Bonga
7	The building used by Agriculture department	The building used by staff from agriculture department situate at Nakwa
8	The building used by staff from agriculture department situate at Mamire	The building used by DEO
9	The building used by staff from agriculture department situate at Gallapo	28 primary school buildings and office equipments within the jurisdiction of Babati Town Council

10	The building used by LAMP Offices	2 dispensaries building and office equipments within the jurisdiction of Babati Town Council
11	The building used by staff from agriculture department situate at Mwada	0
12	The building used by staff from agriculture department situate at Gijedaboshka	0
13	The building used by staff from agriculture department situate at Dareda	0
14	The building used by staff from agriculture department situate at Qameyu	0
15	The building used by staff from agriculture department situate at Kiru	0
16	The building used by staff situated at Magugu	0
17	122 primary school buildings and office equipments within the jurisdiction of Babati District Council	0
18	15 dispensaries building and office equipments within the jurisdiction of Babati District Council	0

19	1 health center situated at Magugu	0
<b>Land</b>	<b>Babati District Council</b>	<b>Babati Town Council</b>
1	0	Hanadeco farm
2	0	Nyasi farm
<b>Abattoir</b>	<b>Babati District Council</b>	<b>Babati Town Council</b>
1	0	1 Abattoir situated at Babati Town Council
<b>Livestock market and Magulio</b>	<b>Babati District Council</b>	<b>Babati Town Council</b>
1	8 auction mart	1 Livestock market

2	4 Magulio	1 Gulio
	0	1 main market situated at Babati Town Council
<b>Bus stand</b>	<b>Babati District Council</b>	<b>Babati Town Council</b>
1	0	1 public toilet situated at Babati Town Council bus stand
2	0	Bus stand situated at Babati Town Council

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**SECOND SCHEDULE**  
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<b>LIABILITIES (DEBTS)</b>		
<b>Debts</b>	<b>Babati District Council</b>	<b>Babati Town Council</b>
1	2/3 of the debits	1/3 of the debits
2	0	0
3	0	0

Given under my hand and the Public Seal this .....Day of  
....., 2018

Selemani S. Jafo

*31<sup>st</sup> October, 2018*  
*Minister of State*  
*President's Office ,Regional Administration and Local Governments*