

Tanzania

Local Government (Urban Authorities) Act, 1982

Local Government (Urban Authorities) (Councillors Code of Conduct) Regulations, 2000

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Section 119; G.N. No. 281 of 2000]

Part I – Preliminary provisions (regs 1-3)

1. Citation

These Regulations may be cited as the Local Government (Urban Authorities) (Councillors Code of Conduct) Regulations.

2. Application

These Regulations shall apply to all urban authorities established in accordance with provisions of section [5](#) of the Local Government (Urban Authorities) Act¹.

3. Interpretation

In these Regulations, unless the context requires otherwise—

"**Act**" means the Local Government (Urban Authorities) Act²;

"**Code**" means the Local Government (Urban Authorities) (Councillors Code of Conduct) established under section [119](#) of the Act;

"**Commissioner**" means the Ethics Commissioner appointed under section [20](#) of the Public Leadership Code of Ethics Act³;

"**complaint**" means a complaint made against a member of the council regarding the conduct of that member and duly filed with the Ethics Committee in accordance with the provisions of these Regulations;

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"**conflict of interest**" means and includes a situation where a councillor who has a responsibility to be involved in making an impartial, or unbiased decision is himself party to or has a direct or indirect pecuniary or personal interest, upon which he will directly or indirectly benefit or expect to benefit from the decision to be reached;

"**corrupt practice**" means and includes any dishonest behaviour done by a councillor acting in public office or on his own behalf which involves corruptly soliciting, or receiving an advantage without reasonable cause and includes giving or agreeing to receive any gift, loan, fee, reward or advantage for doing or for bearing to do anything in connection with the council;

"**Council**"—

- (a) when used in relation to a town means the town council for that town;
- (b) when used in relation to a municipality, means the municipal council for that municipality;
- (c) when used in relation to a city, means the city council for that city;

"**councillor**" means a member of the council;

"**Director**"—

- (a) when used in relation to a town, means the Town Director appointed for that town;
- (b) when used in relation to a municipality, means the Municipal Director appointed for that municipality; and
- (c) when used in relation to a city, means the City Director appointed for that city;

"**disclosure**" means and includes providing a fact or information known to one self that would influence him in making a decision on the matter in consideration;

"**local government officer**" means a person employed by or is in the service of a local government authority who holds or acts in a management post;

"**maladministration**" means and includes a failure or negligence to properly discharge public responsibility or a breach or abuse of laid down procedures;

"**Management office**" means any office held or acted in any of the following offices:

- (a) the office of the Chief Executive in a local government authority;
- (b) a head of department of local government authority; and
- (c) any other office approved by the council for the purposes of this definition, and includes any local government officer whose office is prescribed under the local government scheme as an office the continued holding of which is subject to periodic examination as to proficiency and fitness to hold it;

"**member**" means a member of a council elected in pursuance of the Local Government (Elections) Act⁴ and includes a Member of Parliament and other members of the council who are members pursuant to section 19 of the Local Government (Urban Authorities) Act⁵;

"**Minister**" means the minister for the time being responsible for local government;

"**misconduct**" means and includes any act done or omitted to be done without reasonable excuse by a councillor which amounts to a failure to perform in a proper manner any duty imposed on him or

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displaying behaviour prejudicial to the efficient conduct of council affairs or tends to bring the council into disrepute or damage the integrity or confidence of the public in the council;

"**Standing Orders**" means standing orders made under section 37 of the Local Government (Urban Authorities) Act⁶.

Part II – Government principles, vision, mission and objectives (regs 4-7)

4. Vision

A Councillor shall have a vision of democratic, proactive, efficient, effective, honest, clientele service and goal oriented council.

5. Mission

A councillor shall in collaboration with fellow councillors, members of staff in the council and the general public work towards promoting sustainable economic development in his constituency and the area of the council as a whole.

6. Objective

The objective of these Regulations is to prescribe rules of conduct for councillors, so as to enable them to discharge their functions in a manner, which will build and sustain public trust and confidence in their local government urban authorities.

7. General principles to be invoked by the code

A councillor shall at all times exhibit the highest standard of personal conduct in the performance of his duties and shall observe basic principles of conduct, namely:

- (a) that he always conducts himself in such a way as to protect public confidence in the council;
- (b) that he upholds the laws, and his actions on all occasions are in accordance with the public trust placed in him;
- (c) that he assists the council to act as far as possible in the interest of the whole community of the council which he serves;
- (d) that he does not use his position as a councillor for his personal, family's or friend's financial benefits, preferential treatment or other advantage;
- (e) that he does not put himself in a situation whereby his integrity becomes questionable;
- (f) that he is accountable to the electorate and the Council's wider community for his actions and the decisions made by the council;
- (g) that he is transparent in all of his actions and in giving his contributions for reaching collective decisions and that he will endeavour to support and explain council decisions to the electorate and other stakeholders;
- (h) that he will make his decisions impartially, on merit of the matter in consideration, and without being canvassed by views of others, particularly in carrying out public business, making public appointments, awarding contracts or recommending individuals for rewards or benefits;
- (i) he will ensure confidential information about individuals, is handled in accordance with the law and public interest and is not used for personal or private purposes;

- (j) that he shall refrain from discussion and voting on any matter in which he has a direct or indirect pecuniary or personal interest;
- (k) that he declares any private interest relating to his public duties at the meeting of the council or committee in which he is a member;
- (l) that he will respect the role of the council staff and officers and treat them in a manner that promotes mutual respect at all times.

Part III – Personal attributes (regs 8-11)

8. Integrity and openness

Every councillor shall—

- (a) be fair, open, truthful, intellectually and politically honest and free of conflict of interest;
- (b) conduct himself in such a manner as will protect council's integrity and enhance the confidence of the public in the council.

9. Ethical behaviour

For purposes of enhancing public confidence, a councillor shall observe the highest standard of ethical behaviour at all times when he remains a councillor.

10. Sexual relationship

- (1) A councillor shall not have prohibited sexual relationship with fellow members or members of staff of the council.
- (2) For the purpose of subregulation (1), prohibited sexual relationship means sexual relationship between persons who are not spouses to each other.

11. Liabilities and personal associates

A councillor shall not abuse his public trust and confidence by—

- (a) borrowing to the extent of not being able to repay the debts or to the extent of discrediting or compromising his ability to act and make unbiased decisions; or
- (b) associating with individuals of doubtful character, so as to damage public image, trust and the confidence, which people have in the council.

Part IV – Public conduct and performance of public duties (regs 12-18)

12. Councillors to observe the law, standing orders, rules and regulations

- (1) Each councillor shall in pursuance of his civic responsibility as a leader observe the Constitution of the United Republic of Tanzania, rule of law, standing orders, regulations, rules, code of conduct and towards the promotion of good local governance.
- (2) Every councillor shall ensure that he understands the rules governing council operations, code of conduct and council's standing orders.
- (3) It shall be the responsibility of every councillor to seek appropriate clarification or advice on the proper application of the laws on all relevant occasions from the Director.

13. Commitment to grass-root development

- (1) Every councillor shall promote a broad and consultative process in enhancing development at grass-root levels within the area of jurisdiction of the council.
- (2) Subject to the provision of subregulation (1), the councillor shall in discharging all his duties and responsibilities endeavour to ensure that every activity is performed in a democratic and participatory manner and by involving grass-root community.
- (3) It shall be the duty of every councillor to promote and ensure democratic participation in, and control of decision making by the people within the area of jurisdiction of the council.

14. Conflict of interest

- (1) A councillor shall not involve himself in the discussion, consideration or decision on any contract or matter in which he has any direct or indirect pecuniary or personal interest.
- (2) A councillor shall in the performance of his duties have regard to the law relating to conflict of interest and disclose his interest in contracts or other matters, which are subject of consideration in the council or committee of the council in accordance with regulation 15 of these Regulations.
- (3) For purposes of enhancing public confidence a councillor shall observe the highest standard of behavior in his day to day duties, and shall comply with the provisions of the law regarding conflict of personal or pecuniary interests in performing his day to day duties.

15. Disclosure of interest

- (1) Before any person who has been elected to be a councillor assumes his office as a councillor, he must discharge his responsibility under the law, by disclosing his interest in any ongoing contract with the council in accordance with the provisions of section 40 of the Local Government (Elections) Act⁷, and such disclosure shall be published in the Kiswahili or English language newspaper circulating within the area of jurisdiction of the council in respect of which he has been elected a councillor.
- (2) It shall be the duty of a councillor to disclose to the council, committee or any other decision making organ of the council any conflict of interest, which may arise or likely to arise on a matter he has a direct or indirect pecuniary or personal interest, and thereafter he shall desist from taking part in any decision relating to that matter.
- (3) For purposes of this Regulation, any matter in which a spouse or a child, brother, sister, mother, father or other relative has direct or indirect interest be it pecuniary or otherwise shall be deemed to constitute an interest for disclosure by a councillor.

16. Register

- (1) Every Director shall keep and maintain a register in which the particulars of any disclosure made by a councillor pursuant to the provisions of these Regulations shall be recorded.
- (2) It shall be the duty of every councillor to record or to cause to be recorded into the register particulars of any disclosure relating to a matter which he has direct or indirect personal or pecuniary interest.
- (3) The Director shall make available the register together with any forms or information which a councillor has filed for scrutiny by members of the public and any organ responsible for the enforcement of these Regulations.

- (4) Any register maintained by the Director pursuant to subregulation (1) shall be open for inspection during office hours by any member of the public.
- (5) A councillor or any person who fails to comply with the provisions of this Regulation shall be guilty of an offence under section 38 of the Local Government (Urban Authorities) Act⁸ and may be proceeded against in accordance with section 96 of the Penal Code⁹.

17. Personal gain

A councillor shall not use his public position or any legal relationship, privilege, trusteeship or confidentiality in order to:

- (a) obtain or procure any private gain or improper benefit to himself or other persons;
- (b) obtain financial interest in any business or transaction with the Council;
- (c) obtain preferential treatment or advantage;
- (d) solicit, receive or give any gift, reward, favour or any other thing be it a consideration or not;
- (e) lobby or represent some personal interest or interest of a particular group or organization, commercial or otherwise, before the council or committee that will be in conflict with the proper discharge of his public duty or for a consideration paid or promised.

18. Bribes, gifts and reward

- (1) A councillor shall not personally or through another person solicit, demand, accept or receive a bribe, gift or reward from a person who he is attending, has attended or is expecting to attend.
- (2) A councillor or any member of his family shall not receive presents in a form of goods, services, money or entertainment from a person that may be regarded as compromising the integrity of the councillor.

Part V – Assets, income and liabilities (regs 19-20)

19. Lawful means of livelihood

Subject to the duty of disclosure under this part every councillor shall have lawful means of livelihood by being gainfully employed.

20. Declaration of assets, income and liabilities

- (1) It shall be the duty of every councillor to make a declaration disclosing his assets, income and liabilities, and such a declaration shall include those of his spouse and those of his children who are under the age of minority.
- (2) All declarations made under these Regulations shall be in a prescribed form and be deposited with the Director who shall enter them in a register kept for that purpose and such a register containing details of disclosure of councillors' assets income and liabilities shall be open for inspection by residents of the council free of charge.

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- (3) It shall be the responsibility of each councillor to update the declarations made under the provisions of these Regulations by making such supplementary declarations and deposit the same with the Director.

Part VI – Political powers, accountability, privileges and immunities (regs 21-24)

21. Councillors' political powers

- (1) Every councillor shall perform his duties within the boundaries of his jurisdiction as imposed to him by law, regulations or standing orders.
- (2) A councillor shall not in the exercise of his political authority be allowed to—
 - (a) use his political power or influence to obtain project funds or services, which have not been approved and included in the council plans or budget;
 - (b) influence or canvas others in reaching a decision regarding appointment, development, promotion, discipline or evaluation of council employees' performance;
 - (c) discriminate against persons within the area of jurisdiction of the council on political, religious, ethnic or gender grounds;
 - (d) do any political activity which may cause inefficiency or mismanagement.
- (3) Councillors shall in exercising and discharging their political functions and duties act impartially, objectively and be guided by facts and technical advice availed to them by council staff and, shall avoid any ideological or political prejudices.

22. Accountability

A councillor shall be accountable to the residents of—

- (a) his ward; and
- (b) the area of jurisdiction of the council for his actions and decisions reached by the council.

23. Council property

A councillor shall not use council properties, resources or facilities availed to him or provided by the council for use by him for the discharge of council duties and responsibilities for purposes other than those in respect of which they are intended.

24. Privileges and immunities

- (1) Subject to the limitations set out under the Act a councillor will have freedom of expression and speech in the conduct of council and committee meetings.
- (2) Councillors will in the exercise of their right of expression, be free to say, produce, submit and give any information before the council or committee meetings provided that anything said, produced or submitted or given as information does not contravene the rules of debate provided for in the standing orders.

Part VII – Councillor-staff relationship (regs 25-28)

25. Decisions, orders and directives to be made in council and committee meetings

- (1) All decisions, instructions, orders and directives given or issued during the discharge and exercise of the functions and powers vested in the council shall be made by the council or its committee duly

convened and held and directed to the Director or communicated for implementation in such other manner as may be determined by the council in accordance with the Standing Orders.

- (2) A councillor shall not in his own capacity as a member of the council—
- (a) interfere in the management or administration of any department;
 - (b) give or purport to give instruction, orders or directive to any employee or any agent of the council;
 - (c) obstruct or attempt to obstruct the implementation of the decision of the council or a committee of the council by an employee or an agent of the council;
 - (d) encourage or participate in any conduct which would cause or contribute to maladministration in the council.

26. Councillor-staff relations

- (1) Each councillor and each member of staff of the council shall in the performance of their public responsibilities develop mutual relationship, which will ensure effective, efficient and proper discharge and exercise of their distinctive functions.
- (2) Notwithstanding the indispensable mutual respect between councillors and staff, a councillor shall avoid close personal familiarity with council staff, which may be damaging and embarrassing to both parties.

27. Non-interference in executive functions

A Councillor shall not assume or obstruct executive functions of the council, and in particular shall not engage or involve himself in—

- (a) providing professional and technical management of the council operations; or
- (b) implementing the decisions of council or national policies directly.

28. Councillors and staff misrepresentation

- (1) Where a councillor or a local government staff knowingly or negligently gives false information or provides bad advice to the council, and in reliance of such information or advice, a decision is made or taken as a result of which loss is occasioned to the council, such councillor and such officer shall be severally or jointly liable for redressing the loss so occasioned.
- (2) Notwithstanding the provisions of subregulation (1), a councillor shall not be liable for the information or advice, which he has given in good faith or under a mistaken belief that the information or advice was correct or true.

Part VIII – Disclosure of information (reg 29)

29. Unauthorized disclosure

- (1) A councillor shall not disclose any information availed to him in the exercise or discharge of his powers and responsibilities the disclosure of which is prohibited under the provisions of the National Security Act¹⁰ or any subsidiary legislation made under it.
- (2) Any information obtained or accessed by the councillor which—
 - (a) has been determined by the council or committee to be privileged, confidential or secret;

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- (b) is by virtue of the provisions of the law, restricted information or classified material;
- (c) violates the right of other persons if disclosed;
- (d) has been discussed in any committee of the council where the public or press was not authorized and has not been brought for discussion or confirmation in an open meeting of the council,

shall not be disclosed by the councillor or used by him for gaining any benefit or for the benefit any other person.

Part IX – Breach of the code and enforcement mechanism (regs 30-36)

30. Offences and breaches of the regulations

A councillor commits a breach of these Regulations if—

- (a) he does or causes to be done or permits or suffers to be done anything contrary to or otherwise than as provided by these Regulations;
 - (b) he omits or neglects to do or knowingly permits or suffers to be done anything, which according to the true intent, meaning and spirit of these Regulations ought to be done by that person at the time and in the manner provided for in these Regulations; or
 - (c) he fails to refrain from doing anything which under these Regulations that person is required to refrain from doing; or
 - (e) he refuses or neglects to comply with any notice or direction given in accordance with the provisions of these Regulations; or
 - (e) he obstructs or hinders any officer, employee, committee or agent of the Council in the performance of any duty lawfully being discharged by such person on enforcing these Regulations; or
- [Please note: numbering as in original.]*
- (f) he does anything or causes anything to be done for which a permit or approval or consent from the council is required under these Regulations without first obtaining that permit, approval or consent other than in accordance with these Regulations or without complying with the conditions attached to that permit, approval or consent; or
 - (g) he for any purpose whatsoever knowingly or recklessly supplies false information to the Council.

31. Establishment of Ethics Committee

- (1) Every Council shall establish and maintain an Ethics Committee which shall be responsible for—
 - (a) giving advice to the council on implementation of these Regulations;
 - (b) investigation of allegations on breach of code of conduct by councillors and submission of recommendations to the council for appropriate action;
 - (c) issuing advisory opinion to the council and to individual councillor on issues relating to ethical conduct.
- (2) The Ethics Committee shall consist of not more than five members appointed by the council from amongst elected members of the council.
- (3) The head of personnel department of the council shall be the secretary to the Ethics Committee.

32. Who may present a complaint

A complaint alleging a violation of these Regulations may be filed by any one or more of the following persons namely:

- (a) any person who has been or is likely to be affected by the act or decision made by the councillor;
- (b) a fellow councillor;
- (c) a staff of the council;
- (d) the Ethics Committee on its own motion:

Provided that any other person may refer information about possible violations of these Regulations to the Ethics Committee for consideration upon which the committee may file a complaint if it deems appropriate to do so.

33. Procedure of submitting complaint

- (1) A complaint filed with the Ethics Committee shall be in writing or in an appropriate form provided by the committee that includes information under subregulation (2) and signed by the complainant.
- (2) Where the complainant cannot write, he shall cause the facts of the breach to be recorded by the Secretary and the complainant shall endorse by a thumb print at the end of such narration.
- (3) A complaint shall include:
 - (a) The complainant's name except the Ethics Committee may choose to issue a complaint based upon information provided by a person who refuses to be identified;
 - (b) a statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible; and
 - (c) all available documentation and other evidence including any witnesses to the violation which the complainant is able to supply to demonstrate a reason for believing that a violation of these Regulations has occurred.
- (4) A complaint which is incomplete or does not contain enough information to allege a violation of these Regulations will not be accepted for filing.
- (5) The Ethics Committee will not consider allegations in a properly filed complaint that falls outside the jurisdiction of the committee but it may refer the matter to the appropriate organ for consideration and appropriate action.

34. Ethics committee to adjudicate complaints

- (1) All complaints received by the Secretary shall be submitted to the Ethics Committee which upon receipt shall determine to file or not to file the complaints in accordance with Regulation 32, and proceed to investigate, consider and adjudicate on the matter.
- (2) The Ethics Committee shall adopt its own procedure in hearing complaints, which may include the summoning of witnesses to substantiate the allegations or the suspected councillor to defend himself.

35. Determination

Where the Ethics Committee makes a determination of a complaints submitted before it and finds that the breach made by the councillor is:

- (a) a criminal offence, it shall refer the matter to the body responsible for appropriate action;

- (b) in respect of an offence covered by the Public Leadership Code of Ethics Act¹¹, the Director shall refer the matter to the Commissioner if no proceedings are preferred under these regulations;
- (c) a breach against these regulations, it shall recommend to the council which may impose upon the councillor against whom, the complaint was made any one or more of the following penalties—
 - (i) issue a formal warning to the councillor;
 - (ii) reprimand the councillor;
 - (iii) surcharge the councillor;
 - (iv) report the councillor in the accountability report of the full council.

36. Appeal

- (1) A person aggrieved by the determination of the council may appeal to the Minister whose decision on any matter shall be final.
- (2) No appeal from the decision of the council shall be entertained unless the aggrieved person has given notice of intention to appeal within fourteen days from the date of such decision.