

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No. 6 Vol. 91 dated 5th February, 2010
Printed by the Government Printer, Dar es Salaam, by Order of Government.

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**

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*. Citation

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

3. In these Regulations unless the context requires otherwise;- Interpre-
tation
"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;

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(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;

“Constituency” 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
signato-
ries

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.

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.

Alloca-
tion of
funds

(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.

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.

Account-
ing officer

(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.

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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 through 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 retained 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
proce-
dures

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

Composi-
tion

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.

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- (c) two Ward Executive Officers working in the Constituency for Mainland Tanzania and one Sheha 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.

13.-(1) In case of Mainland Tanzania, the members referred 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.

Appoint-
ment of
members

(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.

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.

Conflict
of
interests

(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.

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.

Tenure 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.

Vacation
of office

(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 of 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.

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

20. At any meeting of the Committee 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. Decision of the committee

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. Minutes of the meeting

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. Payment of allowances

(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

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 stakeholders in the community. Types of projects

(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.

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**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