

GOVERNMENT NOTICE NO. 436 published on 12/6/2020

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, 2020

Citation 1. This Order may be cited as the Local Government Authorities (Division of Assets and Liabilities) Order, 2020.

Interpretation 2. In this Order unless the context otherwise requires-
“assets and liabilities” includes franchise, income, debts and expenses and all rights, interests, obligations and liabilities arising under contract;
“Authorities” means the Songea District Council and Madaba District Council;
“Minister” means the Minister for the time being responsible for Local Government.

Division of assets 3.-(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 Songea 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 subsection (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 Songea 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

4.-(1) All liabilities in relation to the assets transferred to and vested by this Order in respect of which the then Songea 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 Madaba District Council and the Songea District Council shall be discharged from its obligations in respect of every such liability.

Instruments

5. All instrument to which the Songea District Council is a part and which relate to any asset or liability transferred to Madaba District Council by this Order, shall continue to be in force and all the rights and liabilities of the Songea District Council under such instrument shall be transferred to and vested into the Madaba District Council.

Division of
liquid assets and
investments

6. Liquid assets and investments specified in the First Schedule to this order vested in the Songea District Council shall, with effect from the effective date by virtue of this Order and without further assurance be divided and vested to the Madaba District Council.

Powers of
Authorities

7. 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.

8.-(1) Nothing in this Order shall be construed as-

- (a) 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) creating in favour or against the authority or any other party any right or liability conferred or imposed under such instrument;
- (c) receiving the Authorities obligation to which this Order relates and which has ceased to be legally enforceable prior to the effective date of this Order;
- (d) 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 Songea 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.

FIRST SCHEDULE

(Made under paragraph 4(3) and 7)

ASSETS		
Plants And Vehicles	Songea District Council	Madaba District Council
1.	SM 6147 Toyota V8	DFP 7528 Toyota Hilux D/cabin
2.	STK 7143 Toyota L/cruiser	SM 4223 Toyota L/cruiser
3.	SM 3321 Toyota Pickup	STK 2351 Nissan Hardtop D/cabin
4.	SM 4864 Toyota Hilux D/cabin	SM 5875 Toyota Hardtop
5.	SM 3015 Toyota Hardtop	SM 4095 Toyota Hardtop
6.	DFP 774 Toyota Hardtop	SM 2484 Isuzu FTR Tipper
7.	STJ 8837 Isuzu Tipper	Generator installed at the Council head office
8.	SM 8994 Toyota Hardtop	-
9.	STK 7491 Toyota Hardtop	-
10.	DFP 4607N Toyota S/wagon	-
11.	Water well drilling machines	-
12.	STK 3314 Toyota Hardtop	-
13.	STL 3575 Land rover 110	-
14.	Combined harvester at Nakahuga irrigation scheme	-
Buildings	Songea District Council	Madaba District Council
1.	House no.403 plot 33 block "k"	House on plot no. 525 block "BB"
2.	House no.402 plot 33 block "k"	House on plot no. 34 Angoni Arms (DED'S RESIDENCE)
3.	House no.403 plot 33 block "k"	House on plot no. 525 block "BB"
4.	House no.403 plot no. 34 block "k"	House no. 435 block "V"
5.	House no.404 plot 35 block "k"	House no. 434 block "V"
6.	House no.405 plot no. 37 block "k"	House no. 433 block "V"
7.	House no.406 plot 37 block "k"	House no. 432 block "V"
8.	House no.407 plot 39 block "k"	Offices of the natural resources department (plots 457,458, 459 & 460 block "BB")
9.	House no.408 plot 39 block "k"	Council head office (plot no. 19 block "H")
10.	House no.409 plot 33 block "k"	House on plot no. 50 block

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		"G"
11.	House no.410 plot 34 block "k"	House on plot no. 6 block "G"
12.	House on plot no. 266 block "BB"	-
13.	House on plot no. 6 block "G"	-
14.	House on plot no. 364 block "BB"	-
15.	Social hall plot no. 17 block "H"	-
16.	Office used by infrastructure department (plot no. 364 block "BB")	-
17.	Office of Water department (plots no. 41 & 43 block "BB"	-
18.	SODECO warehouses	-
19.	Oxen Training Centre – Lilambo	-
Office Equipments	Songea District Council	Madaba District Council
1.	125 tables	46 Tables
2.	195 chairs	66 chairs
3.	21 desktop computers	6 desktop computers
4.	14 laptop computers	6 laptop computers
5.	16 printers	9 printers
6.	5 scanners	3 scanners
7.	35 shelves	14 shelves
8.	1 extension cable	1 extension cables
9.	4 steel cabinets	1 radio call
10.	2 television	1 Theodolite
11.	6 Sofa sets	2 sofa sets
12.	2 notice board	1 steel cabinet
13.	3 wall clocks	1 hudson machine
14.	4 Mwalimu Nyerere's picture	1Mwalimu Nyerere's picture
15.	2 table telephone heads	3 motorized machines
16.	1 calculator	6 refrigerators
17.	10 refrigerators	2 cold boxes
18.	1 podium	4 vaccine carriers
19.	2 generator	3 delivery beds
20.	3 photocopier	2 photocopier
21.	2 champion trophies	3 baby scales
22.	1 president's picture	1 vacuum extractor
23.	1 official seal	1 buchman
24.	1 radio set	1 digital camera
25.	3 Wooden benches	-
26.	1 patient examination bed	-
27.	7 delivery beds	-
28.	7 baby scales	-
29.	3 vacuum extractors	-
30.	1 Buchman	-
31.	1 drilling machine	-
32.	1 Dump level machine & accessories	-
33.	2 digital cameras	-
34.	1GPS	-
35.	1 Total station	-
Liquid assets	Songea District Council	Madaba District Council

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Receivables	Tshs. 343,388,132.50 – being 70% of the NFRA unpaid revenue to the council for 2014/2015 season.	Tshs 103,061,439.75 - being 30% of the NFRA unpaid revenue to the council for 2014/2015 season.
	Tshs 2,433,200 being 70% of sundry debtors.	Tshs 1,543,800.00 being 30% of sundry debtors.
Projects	Songea District Council	Madaba District Council
	Irrigation schemes at Nakauga and Namatuhi Villages	Irrigation scheme at Ngadinda Village

SECOND SCHEDULE

(Made under Paragraph 4(3))

LIABILITIES (DEBTS)		
Debts	Songea District Council	Madaba District Council
1.	Tshs 88,418,642.70 – being 70% of staff debts	Tshs. 26,525,592.81 – being 30% of staff debts
2.	Ths. 141,704,738.00 – Being 70% of debts by contractors for works and services rendered	Ths. 42,511,421.00 – Being 30% of debts by contractors for works and services rendered

Given under my hand and the Public Seal this 16th Day of April, 2020

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SELEMANI S. JAFO

Minister of State

President's Office, Regional Administration and Local Governments