

GOVERNMENT NOTICE No. 87 published on 9/3/2018

THE URBAN PLANNING ACT
(CAP.355)

REGULATIONS

(Made under section 77 (1) (c))

THE URBAN PLANNING (CONSTITUTION AND PROCEDURES OF PLANNING
AUTHORITIES WHICH ARE NOT LOCAL AUTHORITIES) REGULATIONS, 2018

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(Made under section 77 (1) (c))

THE URBAN PLANNING (CONSTITUTION AND PROCEDURES OF PLANNING AUTHORITIES WHICH ARE NOT LOCAL AUTHORITIES) REGULATIONS, 2018

- Citation 1. These Regulations may be cited as the Urban Planning (Constitution and Procedures of Planning Authorities which are not Local Authorities) Regulations, 2018.
- Interpretation 2. In these Regulations unless the context otherwise requires:—
- Cap.355 “Act” means the Urban Planning Act;
 “Committee” means the Urban Planning Committee established under Regulation 4;
 “Minister” means the minister responsible for Urban planning.
- Publication in the *Gazette* of a Planning Authority 3. The Minister may, by order published in the *Gazette* and after consultation with the Minister responsible for Local Government, designate anybody or organ established by any written law to be a planning authority for purposes of the Act.
- Urban Planning Committee 4.-(1) The Planning Authority shall establish an Urban Planning Committee for the Planning Authority gazetted under section 7(5) of the Act.
- (2) The Urban Planning Committee shall consist of eight members as follows:—
- (a) two members from the Planning Authority;
- (b) one member from the Ministry responsible for Urban Planning;
- (c) one member from the Regional Administrative Office;

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- (d) two member from the Ministry responsible Local Authority;
- (e) one member from the private sector dealing with matter related to lands matters; and
- (f) one member from the civil society organization dealing with matter related to lands matters operating in the District.

(3) The Planning Authority may co-opt or invite a member from a research or Training Institute when deems necessary:-

Provided that in appointing these members the Planning Authority should take into consideration that not more than two-thirds shall come from the same gender.

- (a) notice of all appointments to an Urban Planning Committee shall be published in the *Government Gazette* by the Planning Authority.

(4) The Planning Authority shall, by Notice published in the *Gazette*, publish the names of the members appointed under this regulation.

Tenure of members of the Urban Authority

5. In relation to the Chairman and Vice-chairman of the Urban Planning:-

- (b) the members of the Urban Planning Committee shall elect a Chairman and a Vice-chairman from among themselves at the first meeting of the Planning Committee provided that one shall be among the two members from the planning authority;
- (c) the Chairman and Vice-chairman elected under subparagraph (a) of this regulation shall, unless they resign or cease to be capable or qualified to continue to remain members, remain in office until their successors in the office of Chairman and Vice-chairman are elected;
- (d) the Chairman and Vice-chairman, if not disqualified by the Planning Authority, shall be eligible for re-election to the office of Chairman or Vice-chairman;
- (e) in the event of the office of Chairman or Vice-chairman becoming vacant for any cause whatsoever during the term of office of the holder thereof a successor shall be elected at the next meeting of The Urban Planning Committee held after the date on which the vacancy

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- occurs and shall serve for the remainder of the period of office for which his predecessor had been elected and shall then retire but shall be eligible for re-election;
- (f) the Secretary of the Committee shall be a fully registered Town Planner of the Planning Authority or accredited to the authority; and
- (g) the Planning Authority shall set up the necessary machinery for servicing the Committee.
- Tenure of members of Urban Planning Committee
6. A member of the Urban Planning Committee shall, subject to the provisions of these Regulations, hold office for a term of three years and such member may be eligible for reappointment for another term of three years.
- Cessation of membership of Urban Planning Committee
7. Any member of the Urban Planning Committee shall cease to be a member of the Committee on any of the following grounds:-
- (a) resignation in writing submitted to the Planning Authority,
- (b) on death or becoming of unsound mind;
- (c) expiry of the term;
- (d) recall; or
- (e) by the nominating Institution.
- Functions of the Urban Planning Committee
8. The Urban Planning Committee shall exercise the functions of a planning authority in respect of the area of jurisdiction of the Planning Authority designated by the Minister under the Act.
- Delegation of Functions
9. The Urban Planning Committee shall not delegate any of its functions to any person or organ.
- Meetings of the Urban Planning Committee
- 10.-(1) The Urban Planning Committee shall hold meetings at such times as may be necessary or desirable for the proper performance of its functions, but shall hold a meeting whenever the Planning Authority directs it to do so. Such meetings shall be held at such places and times and on such days as the Committee may determine.
- (2) The quorum at any meeting of the Urban Planning Committee shall be six members who may vote at a meeting, but no meeting shall proceed to take place unless the Chairman or the Vice Chairman is present.

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(3) The Chairman shall preside at all meetings of the Urban Planning Committee and if the Chairman is absent from a meeting the Vice Chairman shall preside.

Decisions of the Urban Planning Committee

11. All matters presented at a meeting of the Urban Planning Committee shall be decided by a majority of the votes of the members present and voting.

Minutes of meetings of the Urban Planning Committee

12.-(1) The Secretary shall record and keep in proper form minutes of each meeting of the Urban Planning Committee and each of such minutes shall be confirmed by the Committee at the next meeting and signed by the person presiding at that meeting.

(2) Minutes signed by the Chairman or Vice Chairman shall, in the absence of proof to the contrary, be deemed to be correct record of the meeting whose minutes they purport to be.

Conflict of interest

13. A member of the Urban Planning Committee who is directly or indirectly interested in any matter coming before the Committee for consideration shall, at the earliest opportunity, disclose the nature of his interest at a meeting of the Committee and such disclosure shall be recorded in the minutes of the meeting at which it is made; and, where such interest relates to an application for permission to develop land, such member shall, after the disclosure, withdraw from any meeting while the matter is being discussed or decided by the Committee.

Power to Regulate Own Proceedings

14. Subject to these Regulations and to the Act, the Urban Planning Committee shall have power to regulate its own proceedings.

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Expenses of
the Urban
Planning
Committee

15. The expenses of the Urban Planning Committee shall be defrayed out of sums provided for the purpose in the annual estimates of revenue and expenditure of the relevant planning authority to which that Committee belongs.

Dodoma,
14th February, 2018

WILLIAM V. LUKUVI,
*Minister for Land, Housing and
Human Settlement Development*