

THE NGORONGORO CONSERVATION AREA ORDINANCE

(CAP. 413)

RULES

Made under section 24

THE NGORONGORO CONSERVATION AREA ORDINANCE (ESTABLISHMENT OF NGORONGORO PASTORAL COUNCIL) RULES, 2000

1. These rules may be cited as the Ngorongoro Conservation Area (Establishment of Ngorongoro Pastoral Council) Rules, 2000, shall come into operation on the date of publication and shall apply to all Pastoralists residing within the Ngorongoro Conservation Area.

Citation
and
Com-
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ment

2. In these Rules unless the context otherwise requires-

Interpre-
tation

"Area" means the Ngorongoro Conservation Area to which the Ordinance applies;

"Board" means the Board of Directors of Ngorongoro Conservation Area Authority established under the Ordinance;

"Conservator" means the person for the time being appointed to the office of the Conservator of Ngorongoro Conservation Area Authority and includes any other person lawfully authorised to act in that capacity;

"Constitution of the Pastoral Council" means the Constitution of the Ngorongoro Pastoral Council titled in Kiswahili "Katiba ya Baraza la Wafugaji" as prescribed in the Schedule to these rules;

"Schedule" means the Schedule to these rules titled "Katiba ya Baraza la wafugaji waishio katika Hifadhi ya Ngorongoro";

"Pastoralists" means the pastoralists who were in habitants of Ngorongoro Conservation Area before the area was declared by the Government of Tanganyika in 1959 by proclamation in the *Government Gazette*. to be the Conservation Area and their generations;

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Ordinance" means the Ngorongoro Conservation Area Ordinance:

"Pastoral Council" means the Pastoral Council of Ngorongoro Pastoralists established under rule 3 of these rules;

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"Authority" means the Ngorongoro Conservation Area Authority established under Section 4 of the Ordinance.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE PASTORAL COUNCIL

Estab-
lishment
of the
Council

3.-(1) There is hereby established the Council to be known as the Ngorongoro Pastoral Council.

(2) The Council established under subrule (1) shall be composed of such number of members as specified in the constitution.

(3) The Council shall for the purposes of tenure of office, proceeding or any other matters of the Council, be governed by the constitution.

Office of
the
Council

4. The Council shall have its separate and independent office or offices at such place within Ngorongoro Conservation Area as the Conservator may direct or in any other place as the Conservator and the Council may deem appropriate.

Functions
of the
Council

5. Powers, functions and source, of funds of the Council shall be as provided for under the Constitution as prescribed in the Schedule to these rules.

Decision
of the
Council

6. The Council shall, before making its decision on any matter relating to Conservation and development of pastoralists in the area, involve the Ngorongoro pastoralists.

7.-(1) The Council shall wherever it deems appropriate have power to amend vary or replace all or any of the provisions of the Constitution.

Proce-
dure for
Amend-
ment of
the
Constitu-
tion

(2) Notwithstanding sub rule (1), the Council shall before exercising its powers under sub-rule (1), submit the proposal for amendment, variation or replacement of all or any of the provisions of the Constitution to the Board for consideration.

(3) The Board shall, after receiving the proposals for amendment of the Constitution under sub-rule (2) and after due consideration of the matter, submit the proposal to the Minister for approval and publication in the official *Gazette*.

(4) The Board may, where the proposed amendments or variation of the Constitution contravene any of the provisions of the Ngorongoro Conservation Area Ordinance or any other regulation made under it disapprove the proposal and advise the Council accordingly.

8.-(1) The Council shall, for the purpose of development within the area, have power to develop and plan for implementation of any project and submit the project proposal to the Authority.

Develop-
ment
project

(2) Upon submission of the project proposals to the Authority under subrule (1), the funds budgeted in any financial year of the Authority for Ngorongoro Pastoralists development projects, shall be remitted to the Pastoral Council to carry out its functions for the targeted people as described in the Constitution.

9.-(1) The funds budgeted for and remitted to the Pastoral Council shall remain under the control of the Board and the Board shall cause to be provided and kept proper books of accounts and records in respect of such funds that is to say-

Board to
control
funds

(a) The Board shall cause to be made and kept in accordance with accounting practice proper records in respect of the receipt and expenditure of money and other financial transactions involving the Authority's money budgeted for and remitted to the Pastoral Council to enable it carry out its functions;

(b) the Board shall cause to be prepared for every financial year a balance sheet and a statement showing details of the expenditure of Pastoral Council's money from the Authority.

(2) Not later than six months after the close of every financial year the accounts including the balance sheet of the Pastoral Council relating to that financial year shall be audited by registered and credible auditors subject to authorisation by the Board.

(3) As soon as the accounts of the Pastoral Council have been audited, and in any case not later than six months after such audit, the Pastoral Council shall submit an audit report to the Conservator who shall as soon as practicable cause a copy of such report made by the auditors, to be submitted to the Board.

10.—(1) Any person or member of the Pastoral Council who utilises the Authority's money remitted to the Pastoral Council for any purpose other than the purposes stated in the constitution commits an offence.

(2) Any person who commits an offence under these rules shall on conviction be liable to a fine or imprisonment as may be appropriate under the Penal Code.

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SCHEDULE

Under Rule 2

KATIBA YA BARAZA LA WAFUGAJI WAISHIO HIFADHI YA NGORONGORO

1.0. SEHEMU YA KWANZA: UFAFANUZI

1.01 *"Baraza la Wafugaji"*

Ni chombo ambacho kinawaunganisha wafugaji wakazi wa Hifadhi ya Ngorongoro kupitia wawakilishi wa Serikali za Vijiji na Kamati za maendeleo za Kata zote ndani ya Hifadhi ya Ngorongoro, Uwakilishi huu, umeelezwa katika sehemu ya pili: Uendeshaji namba 2.02 (Muundo wa Baraza la Wafugaji).

1.02 *"Kamati ya Utendaji"*

Ni kamati ya Utendaji ya Baraza la Wafugaji ambayo muundo wake (upo kwenye sehemu ya tano 5.02) (imeelezwa kwenye sehemu 2.03 (b));

1.03 *"Kamati Maalum"*

Ni kamati mbalimbali ambazo zitaundwa na Kamati ya Utendaji au Baraza la wafugaji ili kutekeleza jukumu maalum kwa wakati uliopangwa.