

UNIVERSITY COLLEGE  
OF RHODESIA AND NYASALAND



Local Government Legislation  
in Southern Rhodesia

Up to 30th September, 1963

by  
GLORIA C. PASSMORE

DEPARTMENT OF GOVERNMENT  
SALISBURY, 1966

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SPEC. COLL.

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Department of Government

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## PREFACE

This document was prepared in 1963 in reply to an enquiry received from the Ahmadu Bello University, Nigeria. Parts I to V represent the headings under which information was requested. The work was incidental to a research programme financed by the Rockefeller Foundation between 1961 and 1964, which resulted in the subsequent publication by the University College of three Source Books on government and politics in Rhodesia. Printing has thus taken place some time after the study of Local Government Legislation was completed.

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## PART I

### SUMMARY OF THE LAW RELATING TO LOCAL GOVERNMENT

Legislation on local government in Southern Rhodesia falls into four main categories: first, the legislation governing land apportionment, town planning and townships development which forms the frame within which the growth of local government is taking place; second, legislation concerned exclusively with the constitution and powers of local authorities; third, legislation not specifically related to the structure of local government but to some function such as public health, in which local authorities have a statutory duty to act; and finally, legislation of general application which places upon the local authority as upon other organisations, certain obligations as an employer of labour or custodian of land. It is primarily with the first two categories of legislation that the present study has to deal. In order to gain a perspective of the scope of this legislation, a brief summary of the relevant statutes is given below. Reference is made wherever appropriate to the number of the Chapter (e.g. *Cap. 257*) in which the statute concerned appears in the Statute Law of Southern Rhodesia, Revised Edition, 1963<sup>(1)</sup>.

#### LEGISLATION ON LAND APPORTIONMENT TOWN PLANNING AND TOWNSHIPS DEVELOPMENT

##### **The Land Apportionment Act of 1941. (*Cap. 257*) (As amended by Act 55 of 1963)**

The Land Apportionment Act provides for the apportionment and conditions of tenure of certain land in Southern Rhodesia. The effect of the Act is to divide all land other than Tribal Trust Land<sup>(2)</sup> into four sections: the Native Area, the European Area, the Forest Area and Unreserved Land. The right of occupation in each area is defined. Except under specified conditions only Africans may reside in the Native Area and Europeans in the European Area, whilst Unreserved Land may be occupied by members of either race. Numerous exceptions to this rule are provided for under the Act. Provision is made for the establishment of African townships under approved conditions in or near urban centres of employment, such townships in the aggregate forming the African Townships Area, a section of the Native Area. Recent amendments empower the Governor, after consultation with the local authorities concerned, to declare any industrial, business or residential zone to be an area in which land may be acquired, leased, used or occupied by Africans.

##### **The African (Urban Areas) Accommodation and Registration Act of 1951. (*Cap. 110*)**

The African (Urban Areas) Accommodation and Registration Act compels employers to provide free accommodation for African workers either in licensed private premises or in an African township. A section of the Act, now repealed, formerly provided for the registration by local authorities of all service contracts entered into by employers with African workers. The Act places upon local authorities the obligation of equipping and maintaining any African urban area established under the Land Apportionment Act, and of making adequate provision both for single and family accommodation. A fixed rental is charged for all standard accommodation regardless of size. Payment is the responsibility of the employer. (A higher rental may be charged for special accommodation to meet the needs of the more well-to-do, the employer paying a portion and the African tenant the balance of the rental due in such cases.) The Act requires the appointment of an African advisory board for every African township under local authority control. Local authorities in proclaimed areas are required to carry out the compulsory identification, vaccination, medical examination and treatment of Africans falling under their jurisdiction. Provision is made for the establishment by local authorities of employment bureaux for the use of African work-seekers and employers. An African revenue account must be maintained by each local authority for the receipt of all revenue accruing from African townships. This money may only be utilised for financing services rendered by the local authority in African townships.

##### **The African Beer Act of 1953. (*Cap. 93*) (Supplemented by the Liquor Act of 1953, *Cap. 234*)**

The African Beer Act consolidates the law relating to the brewing, sale and supply of African beers, and prohibits home-brewing by persons in local authority areas. The Act lays down that all profits from beer-sales must be paid into an African beer fund maintained by the

<sup>(1)</sup> SOUTHERN RHODESIA. The Statute Law of Southern Rhodesia. Revised edition. Salisbury, Government printer, 1963.

<sup>(2)</sup> Refer to page 14.



local authority. The uses to which this fund may be put are prescribed by regulation, and are confined exclusively to the betterment of the welfare and social conditions of Africans in the African townships.

(Under the Liquor Act of 1953, by an amendment affected under Act No. 23 of 1957, authorities similar to those in terms of the African Beer Act may be issued to local authorities, including African Councils and superintendents of African townships, to sell liquor of European type to Africans. The profits from such sales are controlled in the same way as those from the sale of African beer.)

#### **The Services Levy Act of 1960. (Cap. 78)**

The Services Levy Act provides for contributions by certain employers towards the subsidisation of housing and transport for their African employees. In terms of the Act, a monthly levy is imposed upon all employers of African labour, particularly in commerce and industry, in designated areas based upon the number of days work performed.<sup>(1)</sup> The Act does not apply to domestic servants, employees whose wages exceed £22 per month, and certain other categories. Local authorities are required under the Act to maintain a services levy account for the receipt of all payments made under the Act. The services levy account is chargeable only with such amount as the Minister may from time to time require the local authority to pay towards the subsidisation of housing and transport services for Africans, and the cost of servicing the Act.

#### **The Town and Country Planning Act of 1945. (Cap. 133)**

The Town and Country Planning Act makes provision for the Minister to appoint planning authorities for urban and rural areas. Local authorities may be declared the town planning authorities for their own areas. An obligation is placed upon every designated authority to prepare a planning scheme in respect of land under its control, and to revise such scheme at intervals of not less than five years. Every scheme is subject to the approval of the Governor. Provisions of the Act control the division and sub-division of land and permission from the Minister is required for the establishment of all townships. Copies of title deeds must be lodged with the Surveyor-General. A town-planning court is constituted under the Act to hear objections to proposed schemes. The Act provides for the vesting of public places and streets. It is not applicable to the Native Area.

### **LEGISLATION ON THE CONSTITUTION AND POWERS OF LOCAL AUTHORITIES**

#### **The Local Government Act of 1961. (Cap. 124)**

The Local Government Act provides for the appointment of local committees by the Governor, and for the appointment, partial or full election of local boards. Where centres are not suitable for self-government, the Act makes provision for the appointment of local government officers or town managers and government by regulation. The Act repeals the Village Management Act of 1898. General provisions relate to the composition and powers of local committees, Governor's regulations for local committee areas, the composition of local boards, qualifications of voters and elected members, elections, the powers of local boards, division into wards, the annual levy of rates and power of the Minister to levy special rates, the purposes for which by-laws or regulations may be made, their approval and repeal by the Governor, penalties for infringement, revenues and expenditure, accounts and estimates, borrowing powers and overdrafts, investments and annual auditing. The Governor has the power to make regulations in particular relating to voters lists, claims for enrolment, nominations, elections, methods of accounting, estimates, reserve funds, the levy of rates, valuations and other matters, different regulations being made for different boards.

#### **The Town Management Act of 1953. (Cap. 134)**

The Town Management Act makes provision for the establishment by the Governor of town management boards wherever he considers it desirable. Provisions of the Act relate to the composition of a town management board, division of the area into wards, the registration and qualifications of voters, voters rolls, qualifications of candidates, procedures for election, voters claims and objections, voting by poll, the prevention of bribery and corruption, board proceedings, the appointment of officers, special committees, powers of a town management board, duties in relation to drainage, sewerage and other matters, compulsory supply of water by municipalities, expropriation, power to pass by-laws, Governor's approval and power of repeal, penalties, rating and valuations, valuation courts, annual and special rates, the maintenance of accounts, framing of estimates, control of loans, overdrafts and investments, grants by the Minister, the power of the Minister to hold enquiries, the power of the Minister to make regulations, different regulations for different boards.

<sup>(1)</sup> For designated areas, see page 22.

### **The Municipal Act of 1952. (Cap. 125)**

The Municipal Act makes provision for the constitution and establishment of municipalities by the Governor, on or without petition, the division of municipalities into wards, the qualification and registration of voters, voters rolls, qualifications of councillors, election procedures, voting by poll, prevention of bribery and corruption, proportional representation, appointment of mayor, deputy mayor and aldermen, councillors' allowances, council proceedings, appointment of town clerk and other officers, powers of municipal council to provide sewerage, water and electricity undertakings, housing, private streets and other services, general powers, by-laws and regulations, penalties, powers of approval and repeal by Governor commonages and municipal finance, valuation procedures, valuation officers, valuation rolls, valuation courts, annual and special rates, taking or leasing of land for arrear rates, municipal contracts and tenders, vesting and alienation of municipal land, accounting, loans and investments, auditing and other matters.

### **The African Councils Act of 1957. (Cap. 95)**

The African Councils Act empowers the Minister to establish African councils and creates an African Councils Board to control loans and advise generally on the operation of the Act. The Minister may confer such powers upon an African council as he considers desirable for the betterment of the community, including any or all of the powers vested in a town management board or municipal council under the Town Management and Municipal Acts, respectively. The Act provides for an African council to be established by means of a warrant, specifying its powers, composition and other matters, determined by the particular interests, financial and natural resources of the community. The Act requires the consent of the inhabitants of the area for the establishment of an African council, and makes provision for the division of the area into wards, the qualifications of voters and elected councillors, the presidency and chairmanship of councils, election procedures, council proceedings, and the appointment of officers, the powers of councils under warrant, the power to make by-laws, penalties, annual and special rates, the discharge of obligations to pay rates by communal service, the keeping of regular accounts, framing of estimates, borrowing, overdrafts, investments, reserve funds, auditing, government officers' right of access to accounts and records, duties of chiefs and headmen, grants and loans to councils, control and inspection of works, the right of the Minister to make regulations and other matters.

## **OTHER LEGISLATION GRANTING POWERS TO LOCAL AUTHORITIES**

There are a number of statutes which confer supplementary powers upon local authorities. Such legislation enables or requires local authorities to perform functions of varying importance in a number of specialised fields. This legislation includes the following Acts as amended—

- Advertisements Regulation Act of 1929 (Cap. 217)
- Aviation Act 1954 of the Federal Legislature<sup>(1)</sup>
- Cemeteries Act of 1883 (Cap. 118)
- Burial and Cremation Act of 1962 (Cap. 171)
- Dairy Act of 1937 (Cap. 195)
- Electricity Act No. 56 of the Federal Legislature<sup>(1)</sup>
- Foreign and Commonwealth Representatives' Parking Privileges Act of 1963 (Cap. 273)
- Fruit and Vegetables (Urban Areas) Act (Cap. 121)
- Harmful Liquids Act of 1949 (Cap. 37)
- Housing and Building Act of 1960 (Cap. 151)
- Law and Order (Maintenance) Act of 1960 (Cap. 39)
- Licence Control Act of 1954 (Cap. 233)
- Liquor Act of 1953 (Cap. 234)
- Local Authorities Pension Act of 1949 (Cap. 123)
- Municipal Traffic Laws Enforcement Act of 1961 (Cap. 128)
- African Registration and Identification Act of 1957 (Cap. 109)
- Noxious Weed Act of 1926 (Cap. 190)
- Police Offences Act of 1882 (Cap. 44)
- Pounds and Trespasses Act of 1904 (Cap. 197)
- Public Health Act of 1924 (Cap. 167)

<sup>(1)</sup> The Rhodesia and Nyasaland Federation Order in Council, to come into effect on 1st October, 1963, provides for these laws to continue in force until amended or repealed by the legislature of the territory concerned.



Reservation of Parking Areas Act of 1959 (*Cap. 7*)  
Roads and Road Traffic Act of 1953 (*Cap. 289*)  
Shop Hours Act of 1956 (*Cap. 238*)  
Water Act of 1927 (*Cap. 268*)

It is not practical for present purposes to attempt an analysis of the functions of local authorities under each of these statutes. One, however, which confers more extensive powers than the rest, is the Public Health Act (*Cap. 167*). Under this Act the Minister may require any local authority to appoint a Medical Officer of Health and Health Inspectors, to perform such functions as the control and supervision of water and food supplies, sanitation and housing conditions, the notification of infectious diseases; the establishment of infectious and venereal disease hospitals, clinics and welfare services; and generally, the safeguarding of the health and hygiene of the community. The Act provides for financial contributions from the Government towards the cost of this work.

### GENERAL LEGISLATION

Certain legislation which has general application places various responsibilities upon employers of labour, owners of land and others. In so far as they act in these capacities, local authorities are affected by the law in the same way as other organisations and persons in the community. The main statutes concerned are the following —

Factories and Works Act of 1948 (*Cap. 229*)  
Industrial Conciliation Act of 1959 (*Cap. 246*)  
Land Survey Act of 1932 (*Cap. 262*)  
Workmen's Compensation Act of 1959 (*Cap. 248*)

## PART II

### THE LOCAL GOVERNMENT SYSTEM IN OUTLINE

Local government in Southern Rhodesia has evolved along differing lines for Europeans and Africans. Local areas have been developed, on the one hand, in terms of the Village Management Act<sup>(1)</sup> the Town Management Act and the Municipal Act; and on the other, in terms of the Land Apportionment Act, the African (Urban Areas) Accommodation and Registration Act and the African Councils Act. The recent promulgation of the Local Government Act of 1961 (*Cap.* 124), which has yet to be fully implemented, has laid the legal foundation for a more uniform development of urban local government institutions in the future, and a rural Local Authorities Bill is at present in the course of drafting which will have application anywhere within the country.

Local authorities in the European Area in the past have taken the form of village management boards, town management boards and municipal councils in the urban centres, whilst there has been virtually no local government development in the rural districts, other than that afforded by road council's, intensive conservation area committees and similar bodies. The growth of African townships has been extensive but the demand for African participation in local government is recent, and opportunity in this field has been limited, hitherto, to the statutory African advisory boards set up in townships under municipal control. In rural areas, by contrast, a basis has been laid for the extensive development of local government institutions through the African council system and the furtherance by the Government of its policy of community development.

The effect of the Local Government Act of 1961, in theory, has been to provide a uniform basis for the progression both of European and African areas from the simplest type of local authority—the local committee appointed by the Governor—through the more complex form, the local board, providing for the first time some degree of representation—to town management and finally municipal status. It was further intended that the Act should facilitate the upper-level integration of local authorities in the future, through some system of regional or metropolitan authority. This question is at present under consideration by Government and local authorities in the country.

### THE STRUCTURE OF URBAN LOCAL GOVERNMENT

In urban areas legislation makes provision for local government to function through a series of local authorities in ascending order of power and status. There are no statutory requirements for advancement from one level to the next. The general competence of the local authority to solve the administrative and financial problems of its area is the criterion applied.

#### The Local Committee

The local committee is intended to serve a dual purpose. First, it provides the embryo from which local government may grow in the small settlement or hamlet, the simplest population cluster in which urban features are beginning to take form. Second, it is intended as a potential means whereby self-government might be introduced in African townships up till now under municipal or state control. Local committees of the first type have now been substituted for the five remaining village management boards, constituted under the Village Management Act of 1898, which legislation was repealed by the Local Government Act. No further local committees have been set up, but the establishment of the first local authority for an African township, Highfield, near Salisbury, is under consideration.

A local committee is composed of a minimum of three members who are responsible persons from the area, appointed by the Governor after sounding opinion in the community. Members hold office at the Governor's pleasure. The local committee is an *ad hoc* body, usually established to provide some needed service such as rubbish-removal or a water supply. But it may also provide simple sanitation and public health services, depending on the area served. The Minister has the power to add to the functions of a local committee from time to time, as the community grows in size and confidence, gradually progressing to a stage where it is able to provide many of the services and amenities of a local board. The local committee

<sup>(1)</sup> Repealed by Act No. 4 of 1961. (*Cap.* 124)



suffers from the limitation that it is not a rate-imposing authority, and the services which it renders are of necessity confined to those which can be self-supporting. The local committee governs the area under its control in terms of regulations framed by the Governor. These regulations may relate to any of the subjects listed in the Second Schedule of the Act, as the purposes for which a local *board* may make by-laws.

### **The Local Board**

Once a community has expanded beyond local committee status, the Governor may establish for the area a local board, designed to provide a smooth transition from the simple local committee to the complex functions of a town management board. It was primarily in order to fill the gap which existed between the old village management board and the responsible town management board, that the Local Government Act was introduced. It does not follow, however, that local boards will necessarily be developed only in areas hitherto served by local committees. One local board, for Penhalonga, has so far been established.

The outstanding feature of the local board is to be its flexibility of adjustment to the changing demands of diverse communities as they expand in size and efficiency. The Act provides that in the early stages a local board may consist both of members nominated by the Governor and of persons elected by the community. This is to ensure that at the crucial point where the inhabitants of a locality are able to start taking a direct part in local affairs, they can continue to benefit from the advice of persons experienced in this field. As the elected members of a board gain in experience of local administration, so the need for members to be nominated will recede, and the Act provides that the local boards may apply to consist solely of elected members, after they have been operating smoothly for a time. Elected members hold office for a period of three years.

A local board is empowered under the Act to levy rates and is thus able to provide not only services of an economic kind, but also non-revenue producing amenities, such as parks and sportsgrounds for the community it serves. The functions of a local board, though circumscribed at first, may gradually be widened with the consent of the Governor, until the board serves in effect as a junior town management board. Local boards have the right to make by-laws governing the services and amenities they provide. The purposes for which a local board may make by-laws under the Act are almost identical in wording and content with those of a town management board under the Town Management Act, the main difference being that in the latter case provision is added for the protection of common property, control of common lands, the generation and supply of electricity, the provision of water and sewerage works.

### **The Town Management Board**

Next in order of size and statutory responsibility comes the town management board. Constituted in terms of the Town Management Act of 1953 (*Cap.* 134), these boards consist entirely of elected personnel under a chairman who may either be appointed by the Minister, for the first year of the board's existence, or elected from the start by the members. The size of a town management board may vary from six to twelve persons, the members going out of office in rotation, after a period of three years.

A town management board is a rate-levying authority with powers comparable to, but somewhat less than, those of a municipality, although some town management boards have developed to the point where they exceed certain of the municipal councils in size and wealth. The functions of a town management board include provision for roads and bridges, electricity, water, health and fire services, bus services, parks, markets, slaughter houses, refuse removal and sanitation schemes, and a variety of other services, assigned through the administrative process with the approval of the Governor. There were twenty-five town management boards in Southern Rhodesia at the end of 1962.

### **The Municipal Council**

Finally, there is the municipal council, constituted under the Municipal Act of 1952 (*Cap.* 125). This is the urban authority which in terms of the legislation has the highest potential responsibility for local affairs in the country. A municipal council is more formal in character than other local authorities and consists of a mayor, deputy mayor and councillors. These together may not number less than six or more than twenty-four. The mayor may be either appointed by the Governor, or on petition by the ratepayers, elected by the councillors from

among their own number<sup>(1)</sup>. Councillors are elected for a period of three or four years, retiring in rotation.

The extent to which powers and functions of municipal councils differ from those of town management boards is largely a matter of degree. Significant differences apply in regard to land and town planning. The municipalities, unlike lesser authorities, are the owners of all unalienated land in their areas and responsible for their own town planning, except in the case of smaller councils which rely on the Government for technical assistance. Municipal councils have a greater degree of responsibility for providing housing schemes, welfare and other amenities for Africans within their jurisdiction. In addition the Municipal Act makes special provision for councils to construct aerodromes, erect schools and hospitals, provide housing schemes, art galleries, museums and places of public entertainment. Municipal councils may supply gas as well as electricity, and generally enjoy more comprehensive powers of control in the broad fields of local administration covered by lesser authorities. While town management boards, as a simple instance, have the power to make by-laws for preventing the parking of vehicles in public places for an unreasonable time, municipalities, in addition, may employ parking supervisors, erect parking meters, impose fines for parking offences and construct parking areas and buildings for parking purposes. There were at the end of December, 1962, seven municipal councils in Southern Rhodesia.

### Proposed Town Management System

Proposals are under consideration by the Southern Rhodesia Government for the introduction of legislation permitting municipal councils to operate on a management committee system. Under this plan, which would be optional, any municipal council could elect a management committee consisting of three councillors who would serve full-time and be paid for their services. The terms of reference of the management committee would embrace all the terms of reference of existing standing committees which it would substitute. The management committee would make recommendations to the council on all matters of policy, the council reserving to itself special powers concerning rate increases, loan-raising and the appointment of senior officials.

### African Townships and African Advisory Boards

Alongside the growth of European urban areas has been the development of African townships. Until recently these were known by a confusion of titles, depending upon their locality and the legislation under which they were set up. As the result of a recent amendment to the Land Apportionment Act (*Cap.* 257), however, they are now all classed simply as *African townships* and comprise in the aggregate what is known as the African Townships Area<sup>(2)</sup>.

Broadly, African townships in Southern Rhodesia are of three kinds (since much of the available literature refers to the old titles by which the townships were known, these have been given in parenthesis.)—<sup>(3)</sup>

- |                                                                                                              |                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) African townships administered by local authorities in or adjacent to towns in the European Area.        | (Formerly <i>native urban areas</i> or <i>native urban locations</i> , depending on whether they were established under the Land Apportionment Act or under the earlier Native Urban Locations Act. <sup>(4)</sup> ) |
| (ii) African townships administered by the Government in the vicinity of towns in the European Area.         | (Formerly <i>native village settlements</i> , or <i>native urban locations</i> depending on whether they were established under the Land Apportionment Act, or the Native Urban Locations Act.)                      |
| (iii) African townships administered by the Government in the Native Purchase Area, or on Tribal Trust Land. | (Formerly <i>native townships</i> set up under the Land Apportionment Act.)                                                                                                                                          |

<sup>(1)</sup> See page 33.

<sup>(2)</sup> Act No. 54 of 1960.

<sup>(3)</sup> The Act makes provision for a fourth type of African township to be established by statutory commissions and boards such as the Railways Board, to provide accommodation for African workers in their employ and their families. This type of township is more in the nature of an industrial housing scheme, than a unit of local government administration and does not form part of the African Township Area.

<sup>(4)</sup> Repealed.



*Native Urban locations* administered by local authorities evolved in a number of cases from the early native compounds set up to provide accommodation for migrant workers going to the villages and towns to work for a few months or a year. Where there was no suitable local authority to administer the area, it was necessary for locations to be provided by the Government. As time went by more and more Africans began to take their families with them to the towns and an increasing proportion remained there permanently. In addition to single accommodation, family dwellings had to be erected, roads, sanitation and other services installed, clinics and various amenities provided, until finally a full-scale township was developed.

*Native village settlements* were established by the Government in the vicinity of the main towns with the specific object of providing permanent accommodation for the settled urban worker and his family.

The so-called *native townships* set up in the reserves differed from other types of township, in that the latter were essentially dormitories for Africans employed in the nearby towns. The *native township* was designed as a town in itself, to serve the reserve as a self-contained centre in which commerce and industry could be carried out on a planned basis.

Whether formerly known as *locations*, *urban areas*, *native townships*, *village settlements*, or otherwise, all African townships as at present constituted represent units of local administration rather than of African local government, falling under the direct control either of the Government or a local authority, as the case may be. Opportunity for the active participation of Africans in the management of African townships has up to the present been restricted to the role played by African advisory boards in those townships which are under municipal control. These bodies were made statutory in 1946 under the law consolidated in 1951 as the African (Urban Areas) Accommodation and Registration Act, now known as *Cap. 110*. The function of African advisory boards is to report to local authorities on the administration of African townships under their jurisdiction. Each advisory board consists of at least three local residents and a chairman.

The Local Government Act of 1961 (*Cap. 124*) makes provision for a local committee or local board to be set up in any area declared by the Governor to be a local government area in terms of the Act, including a township administered by a municipal council or town management board, after consultation with such council or board. Thus, whilst they are at present administrative units only, all African townships are potential units of local government. The first application for an African township to become self-governing through the establishment of a local committee or local board, has been made by the people of Highfield, near Salisbury, and is at present under consideration by the Government.

### **African Representation in Urban Local Government**

The question of greater participation by Africans in urban local government is being given attention in Southern Rhodesia at the present time.

The City of Bulawayo agreed in principle in 1962, to the direct representation of Africans on its municipal council and appointed a Panel of Enquiry to investigate ways and means of implementing this policy. The Panel, which reported in February, 1963<sup>(1)</sup> recommended that the municipal area should be extended to include all African townships administered by the Council.<sup>(2)</sup> The townships were to be incorporated in the form of *housing areas*, on lines proposed in a draft amendment to the Municipal Act under consideration by the Division of Local Government. These permitted in addition to the *rateable area* of a second category in which differential rating, tariffs and by-laws might be applied.

The Panel envisaged a franchise based on the concept of *responsible occupancy of prescribed property*, applied throughout the extended municipal area and subject to a careful definition of the terms *occupier* and *immovable property*. The Enquiry rejected in principle any form of franchise limited to the ability of an individual to contribute to rate funds. It recommended the conversion of African townships to ratepaying areas by stages, as circumstances permitted.

<sup>(1)</sup> REPRESENTATION IN LOCAL GOVERNMENT IN THE AREA UNDER THE JURISDICTION OF THE CITY COUNCIL OF BULAWAYO. (Report of a Panel of enquiry appointed by the City of Bulawayo). Bulawayo, February, 1963. Mimeographed.  
Chairman: A. D. H. Lloyd.

<sup>(2)</sup> With the exception of an isolated area, Pumula, which was considered more rural than urban in character.

In order to give the most equitable results, the Panel suggested, the municipal area should be divided into twelve wards, each returning two councillors, and the Council's membership increased to 24. A system of delimitation was proposed in which the valuation of residential properties was to be weighted on a formula, evenly distributing the total valuation of non-residential property in the area. This would have resulted in the probable return of 8 African representatives out of the total of 24 councillors.

The Bulawayo City Council decided in July, 1963, to defer consideration of the Panel's Report for six months, "pending clarification of the Government's policy on community development and devolution of certain responsibilities to local government".<sup>(1)</sup>

In Greater Salisbury, an alternative means of integrating the interests of European and African urban-dwellers is under consideration, in conjunction with a proposed two-tier system of government for that region. Broadly, the issue is whether, as proposed in Bulawayo, African townships should be incorporated by existing local authorities, or whether, as ultimately envisaged in the Local Government Act, they should enjoy separate autonomy and have representation on a regional co-ordinating authority. The Native Urban Affairs Commission which reported in 1958, pointed out that Africans were not ratepayers, and this placed practical difficulties in the way of their direct representation on existing local authorities.<sup>(2)</sup>

At the end of 1962, the question of two-tier government was referred for a decision to the local authorities concerned, by the Minister of Local Government.<sup>(3)</sup> While the two-tier system was agreed to in principle, no final decision could be reached, pending a statement on the financial implications. In May, 1963, the new Minister of Local Government, Mr. J. H. Howman, M.P., announced his "blue-print" for local government in the country, which appeared to be in favour of the broad principles of the two-tier system.

#### **Proposed Metropolitan or Regional System of Local Government**

In the two main urban centres of the Colony, namely, Salisbury and Bulawayo, there have grown up around the municipal area, a number of smaller local authorities, in the form of town management boards, contiguous with, and in effect, dormitory suburbs of, the municipal area, each with its own system of sanitation and other arrangements. The need has become pressing, particularly in the Greater Salisbury Area (where in addition to the municipal council there are no less than seven town management boards), for some means of integrating these various local authorities. The system of "two-tier government", which has been under consideration by the Government, Salisbury Municipality and neighbouring town management boards for the past two years, proposes that all local authorities in the area should be sub-ordinated to, and represented upon a regional council. To this metropolitan authority the local authorities would ultimately relinquish all rating powers and responsibility for valuation, public transport, housing, regional planning, bulk water services and major highways, retaining control over functions of a purely localised and domestic nature.

A special committee was appointed by the Minister of Local Government in August, 1963, to work out ways and means of implementing the "blue-print" policy of regional government for Greater Salisbury. The function of the committee will be to determine the relative responsibilities of existing local authorities and the proposed regional council, as well as the costs of implementing the scheme.

#### **Division of Responsibility between Local and Central Government in African Urban Affairs**

The Native Urban Affairs Commission in 1958, drew attention to the lack of a clear line of demarcation between the functions of local authorities and of the central Government in the field of African urban affairs in Southern Rhodesia.<sup>(4)</sup>

<sup>(1)</sup> CITY OF BULAWAYO. Annual report of the Director of housing and amenities for the year ending 30th June, 1963, p. 10.

<sup>(2)</sup> SOUTHERN RHODESIA. Report of the Urban African affairs commission. Salisbury, Government printer, 1958, par. 512.

The Commission recommended the direct representation of Africans on the Standing Committees of municipal councils rather than on the councils themselves, and suggested that such representation should be effected through nominations made by the Governor.

<sup>(3)</sup> Mr. B. V. Ewing, M.P.

<sup>(4)</sup> Ibid. Par. 156-158.



The Commission emphasised the defects of a system which permitted an area such as Highfield to be administered by the Government, and another adjacent to it, such as Harari, to be administered by a local authority. It pointed out that within the municipal area of Salisbury and its immediate surrounds there also existed:<sup>(1)</sup>

St. Mary's—a *native urban location* outside the jurisdiction of the municipality, administered by the Government;

Seki—a *native township* on native reserve land outside municipal jurisdiction;

Rugare—a Rhodesian Railways Native Area on land outside municipal jurisdiction; and

Mabvuku—a *native urban area* outside the limits of the municipality but within its jurisdiction.

To this list there have been added since 1958, Dzivaresekwa, an African township, and Kambazuma, a home-ownership scheme, both established and administered by the Government; as well as Mufakose, a municipal African township.

The Commission drew attention to the administrative complexities involved in this diversion of authorities and the perplexing effect it must have upon the community. It recommended that the management and control of African urban affairs should be vested in the local authority, except where African townships were situated in reserves or in the Native Area.<sup>(2)</sup>

Under the Local Government Act, 1961, African townships theoretically may aspire to autonomous status and ultimately be co-ordinated with other local authorities through the regional system of government on a two-tier basis, as agreed to in principle by the Government. There will remain, however, the need for legislation to vest the responsibility for the administration of African townships within a given area, such as the region centreing on Salisbury, in one level of government or the other.

## THE STRUCTURE OF RURAL LOCAL GOVERNMENT

### In the European Area—Road Councils and Intensive Conservation Area Committees

The nearest approach to self-government in the rural areas lies in the specialised local organisations that have been set up for promoting conservation, road development, publicity and similar aims. In September, 1963, there were 146 intensive conservation area committees scattered throughout the country (including 45 situated in the African Purchase Area).<sup>(3)</sup> These are locally elected bodies, established under the Natural Resources Act of 1951 (*Cap.* 264), for the purpose of promoting conservation and proper land-use practices in their own areas. Similarly elected to serve the rural areas, are the 49 road councils which have been set up in the country in terms of the Roads and Road Traffic Act of 1953 (*Cap.* 289)<sup>(4)</sup>, to construct and maintain roads other than gazetted main roads. Road councils have taxing powers and receive grants from the Government. To some extent, also, publicity and development associations might be held to fulfil a rudimentary local government function, although their aims are more of an economic than an administrative nature, and they are private bodies.

The need for a co-ordinating body which would weld the functions of these various local interest groups into a cohesive whole, working for the advancement of the rural community, has been stressed on several occasions by the Secretary for Local Government. In 1960, when the Local Government Act was in its draft stages, the possibility was considered of establishing rural local committees which would serve the purpose of district councils for the co-ordinated planning of rural development. The Ministry of Local Government, however, is at present working on a Local Government Authorities Bill which, if adopted, will effect the establishment of a rural rating authority having an elected majority and wide power. The proposed authority will embrace the road council and might cover a wider area. To avoid upsetting existing interests of an *ad hoc* nature, the new authority will be enabled to carry out its func-

<sup>(1)</sup> See pp. 7-8 above for clarification of terms.

<sup>(2)</sup> Ibid. Par. 504.

<sup>(3)</sup> Information from the Southern Rhodesia Natural Resources Board.

<sup>(4)</sup> Information from the Southern Rhodesia Department of Roads and Road Traffic.

tions through committees with special powers of co-option, retaining, however, responsibility for final decisions in its own hands.

### In the Native Area—African Councils

In the Native Area, rural local government is being developed on an extensive basis, through the medium of African councils administered under the African Councils Act of 1957 (Cap. 95). These are elected bodies established to control the affairs of rural districts, having the right of taxation and powers comparable to, if not greater than those of town management boards. The constitution, function and powers of an African council are granted by means of a warrant, issued in terms of the Act, and vary from district to district, permitting of a wide degree of flexibility in adjusting to the differing local needs of rural African communities. The Act demands that a definite desire for the establishment of an African council must be expressed by the community concerned, before the right to self-government will be granted. The whole basis of the African council system rests on the principle of self-help and the unfolding of a sense of responsibility and latent capacity for self-management in local affairs. The policy of the Government, in establishing African councils throughout the country coincides closely with the principles of community development as practised in India, Pakistan, Ghana, Iran, Tanganyika, Nigeria, the Philippines and elsewhere. Community development has in fact become the key-note of official policy in the field of African advancement and local government in Southern Rhodesia. There were fifty-five African councils at the end of 1962.<sup>(1)</sup>

## GENERAL

### The Policy of Community Development

The Southern Rhodesia Government declared on the 14th May, 1962, its policy "to accept the philosophy, principles and practice of community development as the basis of district administration, local government and technical development." The formal acceptance of this policy resulted in the signing of a Project Agreement between the Governments of Southern Rhodesia and the United States of America in June, 1962.<sup>(1)</sup> The definition of community development formulated in the Agreement was as follows—<sup>(2)</sup>

"By community development is meant the process by which the people of each community are given responsibility for their own development through communal organisation, formally and informally, for democratic planning and action. These bodies of communal self-help make their own plans to meet their needs and solve their own problems, and execute these plans with maximum reliance upon resources found within the community, supplemented when necessary with administrative and technical advice and assistance, and financial and material aid from Government and other agencies outside the community."

The services of an international consultant on community development, Dr. James Green, have been made available to the country since 1960, by the Agency for International Development for the United States' Government. The policy, which is still in its infancy, has been inaugurated in the African rural areas, in conjunction with the implementation of the African Councils Act. No final plans have been formulated for its application to the urban centres.

The relationship between community development and the African council system may clearly be seen in the objects of the African Councils Act, promulgated in 1957 (Cap. 95), before the term community development came into usage in Southern Rhodesia. In terms of the Act, an African council is authorised to do anything within the limits of its warrant, which in the opinion of the Minister should or could be done by such council for the welfare, advantage and betterment of the community or inhabitants of the area. In determining the things

<sup>(1)</sup> Information from the Ministry of Internal Affairs.

<sup>(2)</sup> The Agreement continues the services of the Agency for International Development's Adviser on Community Development to the Southern Rhodesia Government, and makes provision, *inter alia*, for the advanced training of personnel in community development at American universities. (Information from the Ministry of Internal Affairs.)



which a council may be authorised to do, the Act provides that regard must be paid to considerations of whether thereby the council is likely to—<sup>(1)</sup>

- “(a) foster the sense of community and citizenship of the inhabitants of the area;
- (b) promote initiative and a sense of responsibility; or
- (c) promote the development and economic progress of the area with the active participation of the inhabitants.”

The old system of African administration with its paternalistic pattern of benevolence and authoritarianism is slowly disappearing from local administration in Southern Rhodesia. The new policy of the Government is not to direct or superimpose measures for advancement, but to awaken the latent aspirations of the local group, encourage the emergence of a sense of responsibility, and activate the community to self-help.

The process of community development will be initiated at village level through the medium of community development agents. These are to be trained personnel, whose task it will be to awaken public awareness of the needs of the community, and provide the catalyst necessary to convert this consciousness into communal action. The first objective of the community development agent will be to arouse enthusiasm for the setting up of an informal community board. When several communities have been successfully operating on this basis, they might combine to form a local government authority and assume full statutory responsibility for the good government of the area. The need for the services of the community development agent will not, however, end there. He will be required to turn his skills to ensuring that the local government authority, community boards and the people of the locality are in full communication, that interest does not atrophy at any level, and that the local authority continues at all times to be a lively instrument for interpreting and meeting the developing needs of the community.

The Secretary for Internal Affairs and Chief Native Commissioner in his Report for 1962, refers to “the motivation of the community by Community Development Agents whose primary task is to encourage, organise, guide and assist the people into becoming stable, self-reliant communities with an assured sense of political and social responsibility and applying to the full the tremendous force of self-help.”<sup>(2)</sup>

An important role of the community development agent will be to link the local community with whatever technical services it may seek in the form of assistance from experts in education, health, agriculture, veterinary and other services provided by specialist departments of the Government.

A programme has been embarked upon by the Ministry for Internal Affairs for the training of personnel for community development. This programme includes advanced overseas training for senior administrators; the training of staff to deal with regional and field supervision; the training of community development agents for work in villages and settlements; and finally the training of suitable persons as secretaries and treasurers for native councils.

A temporary community development selection and training centre has been established at Senka, near Gwelo, and by September 1963, 371 Agricultural Assistants had completed selection courses. Of this number, 195 accepted transfer to the Ministry of Internal Affairs as community development agents, the remainder returning to duty with the Ministry of Agriculture. Early in 1963, at the request of the Secretary for Internal Affairs, the Ranche House College in Salisbury arranged a month-long residential course for 31 council secretaries from all parts of Southern Rhodesia for preliminary training in local government administration. A permanent Institute of Local Government and Community Development is to be established at Domboshawa, 20 miles from Salisbury, for the training of community development agents and local government officers, council secretaries, treasurers and others.

### **Primary Education the Proposed Function of Local Authorities**

As long ago as 1951, R. Howman, a senior native commissioner writing on African local government in Southern Rhodesia, drew attention to the three foremost interests of the African community, namely in education, medical care and wages, as the most powerful

<sup>(1)</sup> Cap 95, section 53.

<sup>(2)</sup> SOUTHERN RHODESIA. Report of the Secretary for internal affairs and chief native commissioner for the year 1962. Salisbury, Government Printer, 1963. (CSR 27—1963) p. 9.

motivating forces towards local community action. Of these the overriding incentive towards self-help was the passionate desire of the African for education.<sup>(1)</sup> More recently, the Secretary for Internal Affairs and Chief Native Commissioner, in his Report for 1962, stated: "If there is any single impulse, above all others, which can galvanise any local community into action and communal organisation, it is education."<sup>(2)</sup>

The point has been made both in Reports of the former Native Affairs Department, and by the Government's A.I.D. Adviser on Community Development, Dr. J. Green, that where all the major functions of government are centred in the state, little incentive remains for the community to engage in local government. Attempts to build a sound local government system will be abortive unless the community is vested with responsibility for functions in which it has a vital interest.

These reasons have been put forward for a plan announced in May, 1963, by the Southern Rhodesia Government, for a new African education policy under which primary education will in future no longer be the responsibility of the central government but of "local government and its constituent communities".<sup>(3)</sup> The new policy, which is consistent with the principles of community development, will bring Southern Rhodesia into line with British educational practice. Details of the system have yet to be worked out, but it is likely to involve the delegation of new rating powers to local authorities, new methods of subsidisation in the form of grants from the Government, and a new scheme for central control over educational standards and the appointment of teachers.

### The Alignment of Local Government Legislation and Administration

The need for an alignment of the heterogeneous legislation regulating local government in Southern Rhodesia was mentioned by the Secretary for Local Government in his Report for 1959, where he expressed the intention of recommending to the Government the substitution of the Town Management Act of 1953, and the Municipal Act of 1952, by one measure.<sup>(4)</sup> In 1962, the Commission of Inquiry into the Organisation and Development of the Southern Rhodesia Public Services went a step further and recommended that consideration be given to the repeal of the African Councils Act, 1957, and the Local Government Act, 1961, and the substitution of these two Acts by one which would combine the basic elements of both.<sup>(5)</sup> The Commission recommended that since the African Councils Act was in essence concerned with matters of local government, the administrative division responsible for African councils should be placed under the Department of Local Government, which would then consist of two sections, one concerned with urban and the other with rural local government.<sup>(6)</sup>

Whilst the legislation remains unco-ordinated, responsibility for all urban local government, whether among Europeans or Africans, is assigned to a single Government department, the Ministry of Local Government. Administration of the African Councils Act, with its rural emphasis, was transferred from the Native Affairs Department upon the abolition of that Department in November, 1962, to the Ministry of Internal Affairs. Since November 16th, 1962, the two Ministries have erstwhile been linked under a single Cabinet Minister, who holds both the portfolio of Local Government and the portfolio of Internal Affairs.

(1) HOWMAN, R. African local government in British East and Central Africa. Southern Rhodesia 1951-1953. Pretoria, University of South Africa. Reprint series no. 4 (X37/183 of 31st December, 1962) p. 21.

(2) Op Cit. p. 29.

(3) Rhodesia Herald. 20.5.63.

(4) SOUTHERN RHODESIA. Report of the Secretary for local government for the year ended 31st December 1959. Salisbury, Government Printer, 1960. (CSR 20—1960) p. 2.

(5) SOUTHERN RHODESIA. First report of the Commission of inquiry into the organisation and development of the Southern Rhodesia Public Services 1961. Salisbury, Government Printer. 1961. (CSR 9—1962) p. 201.

(6) Ibid. p. 135.



### PART III

## LAND APPORTIONMENT, TOWN PLANNING AND TOWNSHIPS DEVELOPMENT AS THE BACKGROUND TO LOCAL GOVERNMENT

In order to understand the legislative background to the growth of local authorities in Southern Rhodesia, it is necessary to examine the control of land apportionment, town planning and townships development as provided for under three main statutes: the Land Apportionment Act of 1941, the African (Urban Areas) Accommodation and Registration Act of 1951, and the Town Planning Act of 1945. It is necessary to refer, in addition, to two lesser enactments which contribute materially to development in African townships, namely, the African Beer Act of 1953 and the Services Levy Act of 1960.

### THE LAND APPORTIONMENT ACT OF 1941 AND THE ESTABLISHMENT OF AFRICAN TOWNSHIPS

The Land Apportionment Act of 1941, as amended (*Cap.* 257), divides the whole of Southern Rhodesia other than Tribal Trust Land, into four sections—

the European Area,  
the Native Area,  
the Forest Area, and  
Unreserved Land.

In terms of the Order in Council of 1898, the British South Africa Company was required "from time to time (to) assign to the natives inhabiting Southern Rhodesia land sufficient for their occupation . . . and suitable for their agricultural and pastoral requirements . . ." <sup>(1)</sup> The native reserves set aside in this way were entrenched in the Constitution of 1923, under which the Colony was granted self-government. The reserves were intended for the exclusive occupation of indigenous Africans living under traditional systems of communal tenure. In 1950, it was necessary to add certain areas to the land set aside, and these were classed as the Special Native Area. In terms of the Constitution of 1961, the native reserve areas and the Special Native Area became collectively known as Tribal Trust Land.

The Native Area as set out in the Land Apportionment Act now consists of the Native Purchase Area, which comprises all the areas in which Africans are able to acquire freehold ownership of land; and the African Townships Area, covering the land set aside for the purpose of establishing African townships anywhere in the country.

The European Area consists of all land which does not form part of the Tribal Trust Land, of the Native Area or of the Forest Area, and which is not Unreserved Land. The Forest Area, as its name implies, is land reserved for forestry purposes and may not be alienated. Finally, Unreserved Land is land which has not been set aside for any of the foregoing purposes, and which may be leased or alienated either to Europeans or to indigenous Africans, subject to certain provisions pertaining to town planning. This category may be added to by the Governor from time to time.

The National Land Bill, shortly to become law, will place all Forest Area and all National Parks in a new category to be known as National Land. National Parks at present are included either in the European Area or the Forest Area. The effect will be to reduce the present European Area by some 3,891,000 acres. <sup>(2)</sup>

<sup>(1)</sup> The Southern Rhodesia Order in Council 1898.

<sup>(2)</sup> Information from the Ministry of Internal Affairs.

The acreages of the existing land categories as at the end of 1962, were as follows—<sup>(1)</sup>

	<i>Acre</i>
Tribal Trust Land .. .. .	40,020,000
Native Purchase Area .. .. .	4,220,000
European Area .. .. .	35,750,400
Unreserved Land .. .. .	5,769,600
Forest Area and National Parks .. .. .	10,840,000
	<hr/> 96,600,000

The African population Census of 1962, revealed that out of a total African population of 3.6 million, 1.5 million reside in the European Area whether on farms or in the urban centres. Of the 3.6 million, some 406,000 are not Southern Rhodesian Africans, the majority being migratory labourers from other British Territories, Portuguese Mocambique and Angola, and from the Belgian Congo. The figures for the distribution of the African population as shown by the Census were—<sup>(2)</sup>

	<i>African Population</i>
In Tribal areas .. .. .	1,850,710
In Purchase areas .. .. .	240,180
	<hr/>
Total Native areas .. .. .	2,090,890
	<hr/>
In European farming areas .. .. .	836,400
In urban areas .. .. .	652,980
In other areas .. .. .	36,300
Railway travellers .. .. .	1,580
	<hr/>
	3,618,150

The estimated European population of Southern Rhodesia as at 31st December, 1962, was 224,000 of which 170,400, or approximately 77 per cent, lived in the main urban areas.<sup>(3)</sup>

### Occupation in the Native Area

The Land Apportionment Act of 1941 provides that no person other than an indigenous African (i.e. an African descended through the male line from a member of one of the tribes ordinarily resident in S. Rhodesia) may acquire, lease or occupy land in the Native Purchase Area. A European may occupy land in the area only under permit granted by the Governor for such educational, religious or other purposes as he may consider to be for the benefit of Africans. Occupation by a European may be permitted for the administrative purposes of the Government, for the object of providing hotels and places of lodging for travellers or for trading and any other like purposes.

Similarly in the African Townships Area, land may only be owned or leased by Africans. Exceptions are made for occupation by Europeans where this is necessary for administrative purposes, or for the provision of educational, religious or other services for the benefit of Africans.

The Governor may permit a European to acquire land in the Native Area as security for moneys spent on development if he is satisfied that it is in the interests of Africans to do so.

### Occupation in the European Area

In the same way as Europeans are not generally permitted to reside in the Native Area, no African is ordinarily able to acquire, lease or occupy land in the European Area, except under specified circumstances. (For the purposes of the Act, Asians and Coloureds are classed as Europeans.) The exceptions which have been made to this rule, however, are numerous. A recent series of amendments provide that the Governor, after consultation with the local

<sup>(1)</sup> SOUTHERN RHODESIA. Report of the Secretary for internal affairs and chief native commissioner for the year 1962. Salisbury, Government Printer, 1963. (CSR 27—1963) p. 10.

<sup>(2)</sup> Ibid p. 5.

<sup>(3)</sup> Figures obtained from the Southern Rhodesia central statistical office, demographic section.



authority concerned, may by proclamation declare any defined area of land situated within the area of the local authority and zoned for industrial, business or residential purposes, to be an area in which land may be acquired, leased, used or occupied by an African for purposes appropriate to that zone.<sup>(1)</sup>

The first amendment, passed in 1961, concerned the industrial areas and in the larger towns in Southern Rhodesia this provision has been fully implemented. The amendment concerning business areas was passed in 1962, and discussions are proceeding between the Government and local authorities concerning its implementation. It is not likely however, that the whole of the business area of towns will be opened to Africans immediately, although some local authorities are considering this step. The amendment relating to residential areas was passed in September, 1963. It is not the present intention of the Government to implement the decision over the whole of the residential area, but over portions as a commencement.

Amendments have also made provision for the conduct in the European Area, of multi-racial schools, clubs, hotels and associations for promoting good relations between the races through cultural, welfare, religious, recreational or sporting activities. Apart from these provisions the Governor may permit occupation of land in the European Area by any African who—

- (a) is employed by the lawful owner or occupier of such land for as long as his employment necessitates his presence there;
- (b) for educational, religious or such other purposes as the Governor may consider to be for the benefit of Africans;
- (c) for the purpose of undergoing instruction at an educational institution of the Government, or at a private school;
- (d) for the purpose of carrying on any business for the benefit of Africans;
- (e) if such African is receiving treatment at a hospital or clinic run by the Government or local authority;
- (f) if his presence on the land is necessitated by the use of such land for Government purposes;
- (g) for training, teaching, research and other purposes associated with university activities;
- (h) for occupation of mission land for training or preaching purposes;
- (i) where he is under a labour agreement to any persons engaged in producing crops or ranching;
- (j) where an African retainer has become aged or chronically diseased and is allowed to continue living on the land by his employer without charge.

### **The Establishment of African Townships**

The Act makes provision for the establishment of African townships on land in the European Area by the Governor, local authorities and statutory commissions; and in the Native Purchase Area by the Minister under specified conditions.

#### **In the European Area—**

*African Townships Established by the Governor:* The Governor may set aside an area of Crown land in the vicinity of any town or other centre where Africans earn a living, for the establishment of a township to be used and occupied exclusively by Africans. Any land set aside in this way, ceases to be a part of the European Area and becomes part of the African Townships Area as defined under the Act. Such townships come under the direct administrative control of the Government. There were twenty-eight African townships administered by the Government at the end of 1962.<sup>(2)</sup>

*African Townships Established by Local Authority:* Any local authority, with the consent of the Governor, may set aside and develop an area of land as an African township, and provide all the necessary services for this purpose. The Act specifies that land in such townships may be leased to or purchased by Africans for the erection of houses, shops or other buildings. The local authority may provide appropriate residential accommodation both for Africans living under conditions of family life, and those who are not; and in addition is empowered to

<sup>(1)</sup> Act No. 37 of 1961 }  
Act No. 23 of 1962 }  
Act No. 55 of 1963 }

<sup>(2)</sup> Information from the Ministry of Local Government.

erect shops and other buildings within an African township for sale or lease to Africans.

Before approval will be granted to a local authority for the establishment of an African township, the Governor must be satisfied as to the suitability of the scheme, the structure of proposed buildings, provision to be made for essential services such as water, sanitation and electricity; and the allocation of sites for religious, educational, recreational and other purposes. The land contained within the area of an African township ceases, from the establishment of the township to be part of the European Area, and forthwith becomes a portion of the African Townships Area.

Should the Minister at any time not be satisfied that the local authority is making adequate or suitable provision for the accommodation of Africans employed within its area, or that the local authority is not complying with the conditions laid down by the Governor in consenting to the establishment of an African township, he may require the local authority, by written notice, to make any necessary improvements within a specified time. Should the local authority fail to take action, the Minister may cause the necessary works to be effected. Where the Minister is obliged to take this course, the control and administration of the African township vests in him until such time as the work has been completed, when responsibility reverts to the local authority. The Minister may recover all expenditure incurred in this way from the local authority, if necessary, by court action.

An amendment made in 1960, provides that Africans may purchase land in the African Townships Area. A few titles were issued in 1962 to wealthy Africans in Marimba Park, but these were exceptional cases. The first transfers of land to Africans living under ordinary conditions were completed in Highfield, Salisbury, in May, 1963.<sup>(1)</sup> However, with the recent introduction of home ownership schemes administered by the Government, many thousands of Africans will be able in due course to take transfer of property on final payment of the capital sums owing on their homes.

Home ownership for Africans was introduced by the Government in 1955, with the aid of a £1½ million loan from the Colonial Development Fund, which was used as the nucleus for a National African Housing Fund. A section of Highfield township, known as New Highfield, was initially developed, enabling Africans to purchase "immovable property", in the form of four-roomed cottages, situated on Crown land. The land was then made available on a long-term lease (99 years in the case of residential, and 25 years in the case of trading stands) virtually amounting to private ownership. A nominal monthly rental was levied on the land, sufficient to cover administrative charges, the cost of water and essential services. The purchase of immovable property was effected by means of a small down-payment followed by regular monthly amounts for redemption and interest, based on the cost of constructing and servicing the scheme, which was self-liquidating.

Local authorities are permitted to act as the agents of the Government in administering home ownership townships on similar lines, the municipality collecting the interest and redemption charges on behalf of the Government, and recovering rental and rate payments on its own account. Bulawayo established the first municipal home ownership scheme at Pumula in 1952. This was followed by Pelendaba, Mpopoma, Tshabalala, Barbour Fields and other areas, representing a considerable portion of the family accommodation for Africans in that city. Leasehold home ownership was also introduced in Gwelo, Fort Victoria, Que Que, Shabani and other centres. In order to assist owner-tenants to meet the purchase-cum-rental charges, regulations pertaining to home ownership allow of the sub-letting of premises to a maximum of two lodgers per dwelling.

With the recent amendment of the Land Apportionment Act, permitting the purchase by Africans of land in the Native Area, the conversion has begun of leasehold—to freehold home ownership. In the first rented township to be converted to freehold, in Bulawayo, existing houses and their stands are being sold over a redemption period of twenty-five years. To avoid the heavy legal expenses of individual sales, a system has been evolved for negotiating survey fees in bulk, wherever a sufficient number of residents wish to purchase the stands as well as the houses they occupy.

In addition to the conversion of existing schemes, both the Government and local authorities have embarked upon plans for new freehold townships. The first of these, Kambazuma,

<sup>(1)</sup> Information from the Ministry of Local Government.



near Salisbury, was opened by the Government towards the end of 1963, with provision for 1,210 houses.

From the date of establishment of an African township by a local authority, no African may lease, use or occupy land in the European area of that authority, outside such township, unless he is lawfully permitted to do so under the Act. Local authorities are empowered, however, to provide places of entertainment for Africans, either in European or African townships under their control, including premises for dancing or sporting activities, church facilities, and beer halls.

Where necessary, the Governor or the local authority, as the case may be, may expropriate land for the establishment of African townships. Thirty-two local authorities were operating African townships established under the Land Apportionment Act, at the end of 1962.<sup>(1)</sup>

*African townships established by Statutory Commissions:* The Governor may authorise the Rhodesia Railways or any statutory commission, which in his opinion employs a sufficiently large number of Africans, to establish townships for African employees and their wives and children. Such townships may be equipped not only with facilities for accommodation, but churches, schools, recreation grounds and other requirements. Statutory commissions falling under the provisions of the Act include any corporate body which has been set up by an Act of the Legislature of the country. Such townships are to be found under the auspices of the Rhodesia Railways at Matshoba and Sizinda in Bulawayo, at Rugare near Salisbury, and at Wankie, Lalapanzi and Banket. Similar townships are run in Bulawayo and Gatooma under the administration respectively of the Cold Storage Commission and the Cotton Research and Industries Board. African townships of this category are *not* included in the African Townships Area under the Act.

#### **In the Native Area—**

*Townships Established by the Minister in the Native Purchase Area:* In addition to the African townships which may be set up by the Governor, local authorities or statutory commissions in the heart of the European area, the Act makes provision for the Minister to set aside areas for the establishment of townships for the use of and occupation by Africans in the Native Purchase Area. Land in such townships may be alienated or leased to indigenous Africans on terms and conditions prescribed by the Minister, who may declare that a township so established shall become portion of the African Townships Area. Three African townships of this kind have been set up in the vicinity of Bulawayo, Salisbury and Umtali.

### **THE AFRICAN (URBAN AREAS) ACCOMMODATION AND REGISTRATION ACT OF 1951, AND THE ESTABLISHMENT OF AFRICAN ADVISORY BOARDS**

The Land Apportionment Act of 1941, as amended, makes it obligatory for local authorities to establish residential areas for Africans in the region under their control. The African (Urban Areas) Accommodation and Registration Act (*Cap.* 110), goes a step further and grants them borrowing powers for "setting aside, establishing, equipping and maintaining any African township and of making adequate provisions for the erection of houses or huts for the accommodation of Africans and their families therein . . ."<sup>(2)</sup>

In furtherance of its obligations, a local authority is required under the Act to erect hostels for Africans seeking employment in or visiting the area, and to provide accommodation for workers with wives and children.<sup>(3)</sup> Payment of rental is made the responsibility of the African's employer in every case. In order to avoid discrimination on the part of employers against the employment of married workers, the Act requires that a uniform rental be charged for all standard accommodation, regardless of whether in single or family units. (Special accommodation may be provided for the upper income group, for which a higher rental is charged, a portion being met by the employer and the balance by the tenant.) The rental charged, in practice, has been higher for single quarters than would normally apply, yet considerably lower than the economic rental that would otherwise be demanded for married accommodation. As long as the ratio of demand for single to married quarters remained

<sup>(1)</sup> Information from the Ministry of Local Government.

<sup>(2)</sup> Act No. 20 of 1951, section 45.

<sup>(3)</sup> Report of the Urban African Affairs Commission, 1958. Salisbury, Government printer, 1958. par. 202, p. 47.

high, the standard rent system enabled local authorities to subsidise the more expensive family housing. This source of hidden subsidy is fading, however, with the steady increase in the demand for accommodation for married workers and their families.<sup>(1)</sup>

There has recently been pressure, both from African employees and their employers, for a general consolidation of the rental allowance with wage payments. One industrial agreement, in the chemicals and explosives industry, gazetted in August, 1963, actually consolidates rent in the wages paid. The motive behind the desire of employers for this move, is the simple wish to be free from the obligation to subsidise rents, on the one hand, and to give the employee an appreciation, on the other, of the real value of the reward received for his labour. African employees desire the added security which a higher cash payment implies, and the greater independence and freedom of choice regarding accommodation which they would enjoy. The Report of the Secretary for Local Government and Housing for the year 1962, states that consideration was being given to the amendment or repeal of this Act and its substitution by a new measure, bringing it closer into line with existing conditions.

Should a general consolidation take place, the standard rental would no longer be a practical requirement. The African tenant paying for his own housing would demand economic value for his money, the single man would no longer be content to share a dormitory for the same rental as that paid by a family in a three- or four-roomed house. A complete revision of the rent structure would be entailed in which the charge for single accommodation would drop, whilst rentals for married housing, if not directly subsidized from some substantial source, would inevitably rise beyond the level which the majority of African workers could afford.

In making the accommodation of African workers the responsibility of the employer, the Act reflects the tacit belief behind local government legislation up to that time, that the African was essentially a rural-dweller, present in the towns purely as a temporary worker who would in due course return to his home in the country. It is only within recent years that the existence has been recognised of a growing, permanently urbanised, and in many cases detribalised African population. Legislation and planning is being re-directed towards meeting the needs of this group.

### **The African Advisory Board**

The immediate supervision and management of any African township operated by a local authority in terms of the Act, is in the hands of a superintendent who is a municipal official, responsible to, and under the administrative direction of the local authority. In order to permit of the participation of African residents in township affairs, and to assist the local authority in its administration, the Act makes it mandatory for an African advisory board to be established for every African township under local control. This was not an innovation under the Act. The establishment of an African advisory board was first proposed by a Commission of Enquiry into matters connected with the Bulawayo native location in 1930, and the Bulawayo City Council established the first advisory board to be set up in the country, in 1940.<sup>(2)</sup>

The composition of an African advisory board is laid down by regulation.<sup>(3)</sup> Each board consists of an even number of members decided by the local authority, but the number shall not be less than three persons who are African residents, plus a chairman. The latter is appointed by the local authority and may be either an African or a European. As a rule, either the chairman or a member of the municipality's standing committee on African administration, is appointed chairman of the African advisory board for each township. The secretary of such board is usually appointed by the chairman and drawn from the staff of the municipal African administration department. In the case of Bulawayo, the vice-chairman and unofficial secretary are elected by the members of each board. The regulations made by the Governor cover methods of selecting or electing board members, their conditions of office, qualifications for

<sup>(1)</sup> Before the last war the African townships were occupied mainly by single tenants. If they were married, their families lived in the reserves. Some years ago the singly-living Africans outnumbered those with wives and children in the town by five or six to one. Today in some areas, near-parity of the two has been reached. (Information from the Ministry of Local Government). There is still a severe shortage of married African accommodation in urban townships.

<sup>(2)</sup> CITY OF BULAWAYO. Urban African Affairs Commission. Answers to Questionnaire. Bulawayo. September, 1957. Mimeographed. p. 72.

<sup>(3)</sup> Native Urban Areas Advisory Board Regulations, Official Government Gazette, 20.6.52. Government Notice 524 of 1952.



candidature, division of wards, appointment of committees, conduct of meetings, filling of vacancies, and other matters. Large municipalities have adopted standing orders for advisory board meetings.

Every tenant of a municipal African township, and his wife, is eligible for nomination as a member of the African advisory board, provided that he or she can fulfil a one year's residence qualification, is not in arrears with rental payments, and has not been convicted within three years of the day of election of an offence in respect of which he or she has been sentenced to imprisonment without the option of a fine or to imprisonment for a period of three months or more with the option of a fine.

The objects of an African advisory board as defined in the Act are to consider and report to the local authority, or through the local authority to the Minister, upon such matters as the following—

- (a) any by-laws or regulations proposed for application by the local authority;
- (b) any matters referred to the board by the local authority or the Minister;
- (c) any subject specifically affecting the interests of Africans in the area, upon which the board may consider it desirable to report.

No by-law or regulation may be put into effect by the local authority in an African township under its control, without having first been referred for consideration to the African advisory board for that area. Copies of any reports submitted by such a board in connection with the proposed regulations, must be forwarded to the Governor, together with the draft regulations, before they will receive his approval.

Not all advisory boards are statutory. The majority of town management boards have established advisory boards or committees for consultation, although they do not fall under the provisions of the African (Urban Areas) Accommodation and Registration Act.

The questions which are considered by African advisory boards vary considerably from place to place and may cover a wide range, from the allocation of business sites and premises to the provision of postal facilities, nursery schools, maternity hospitals, restaurants for Africans working in towns, improved street lighting, speed limits, bus routes, siting of beer gardens, naming of streets, control of unlicensed hairdressers, position of cemeteries, and other matters. In Bulawayo, the boards work closely with the city council in the preparation of capital estimates for African administration.

The African advisory boards have acted as a channel through which both the wishes and grievances of African residents might be submitted to the local authority, and have afforded the first elementary means of introducing to the urban African, the procedures of local government. There were thirteen statutory African advisory boards in Southern Rhodesia at the end of 1962.<sup>(1)</sup> Of this number, however, only two or three could be said to be operating effectively.

The Native Urban Affairs Commission, in its Report in 1958, stated that whilst it was generally acknowledged that the system of African advisory boards had provided opportunity for members of a board to come forward with useful ideas and so keep the local authority conversant with African opinion, the system as such was seen to provide no real outlet for the aspirations of persons who were interested in civic administration.<sup>(2)</sup> A growing sense of frustration was the result and in the time which has elapsed since the Commission reported, African advisory boards have become increasingly apathetic and open to political influence. The need is now recognised for Africans to take a more responsible part in local government and this problem is under investigation by the Government and local authorities in the country.<sup>(3)</sup>

### The African Revenue Account

Every local authority declared a proclaimed area under the Act, is required to establish an African Revenue Account, into which is paid all rents, fees and other revenue derived from the residents of an African township, or from employers on their behalf; fees recovered from employers in respect of premises which they are licensed to run for the accommodation of their employees; rents received for trading sites; profits accruing from the conduct of any business

<sup>(1)</sup> Information from the Ministry of Local Government.

<sup>(2)</sup> *Op. Cit.* par. 494, p. 105.

<sup>(3)</sup> See p. 8 et seq.

by the local authority within an African township; and, in respect of its own employees housed in the townships, an amount payable by the local authority itself, equivalent to that which would ordinarily be due from any other employer.

The Act lays down that the African revenue account may only be charged with—

- (a) such services as may be rendered by the local authority to any African township or hostel under its control;
- (b) any services declared chargeable in terms of the Act;
- (c) any service expenditure or grants certified by the Minister to be for the benefit or welfare of the Africans residing within the local authority area.

The Act permits a deficit in the African revenue fund to be met by an advance from general funds of the local authority on conditions approved by the Minister. With the overwhelming increase that has taken place in the demand for African housing, however, local authorities, especially in the larger centres have been incurring an increasingly heavy loss on African housing, which has only partially been offset by the introduction of the Services Levy. The whole problem of increased revenue for African housing is at present under investigation by the Southern Rhodesia Government.

### THE AFRICAN BEER ACT OF 1953 AND THE DEVELOPMENT OF AFRICAN TOWNSHIPS<sup>(1)</sup>

The African Beer Act of 1953 (*Cap.* 93), consolidates the laws relating to the brewing, sale and supply of African beers, prohibiting all home-brewing by Africans in local authority areas, and granting a virtual monopoly to local authorities, including superintendents of African townships in the distribution of African beer in their areas. Permission may be granted under the Act, to certain large-scale employers, to brew and sell African beer to African workers accommodated in their own housing schemes. Where these are within the area of a local authority, however, its monopoly is paramount, and in practice the larger municipalities sell African beer to a few big concerns for re-sale to their employees. The object of the Act was primarily to prevent the evils arising from the preparation of home-made concoctions containing ingredients of an obnoxious or poisonous nature.

The uses to which profits from beer sales may be put by local authorities are prescribed by regulation, and include:<sup>(2)</sup> the provision of educational, medical, dental and confinement services; the supply of baby food, subsidized milk and soup, creches and homes for destitute children, the salaries of welfare officers and grants-in-aid to societies concerned with the betterment of conditions for Africans; the purchase of building materials and loans for Africans erecting their own homes in the townships, the supply of electricity in streets and public places; the provision of entertainment services, swimming baths, recreation centres, beer-halls, and premises for the manufacture of native beer; as well as assistance towards social research and the betterment of social conditions generally in the townships.

The Liquor Amendment Act No. 23 of 1957, made provision for the first time for the sale of European-type wines and malt liquors to Africans by local authorities, superintendents of African townships, African councils and persons authorised to sell native beer. The profits from such sales are controlled in the same way as African beer profits.

In January, 1962, a further amending Act (No. 63 of 1961), made permissive the opening of bars and public houses in the European areas to African patronage, and lifted the restrictions formerly in force on the supply of spirituous liquors to Africans. Municipal councils added spirits to the malt liquor distributed through the beerhalls and beer-gardens in their townships, bringing them into line with other licensed premises. The Mayor's Minute for the City of Salisbury for the year ended 31st July, 1962, states that the open competition from bars and bottle stores in that city led to a distinct drop in revenue accruing to African beer funds within the first three months, reducing the funds available for medical, social and environmental services in the African housing areas.<sup>(3)</sup>

The following figures show the gross income from African purchases of liquor in the main municipal beerhalls over the period 1960 to 1962—

<sup>(1)</sup> As supplemented by the Liquor Act of 1953 (*Cap.* 234) (See p. 2, above).

<sup>(2)</sup> NEALE, B. J. The local government structure in greater Salisbury. Paper prepared by the Town Clerk of Salisbury at the request of representatives of the city of Salisbury and the seven town management boards in the Salisbury area. Salisbury, May 1962. p. 56.

<sup>(3)</sup> CITY OF SALISBURY. Minute of His Worship the mayor for the year ended 31st July, 1962. Salisbury. p. 21.



### Income from Municipal Beerhall Sales<sup>(1)</sup>

Municipal Council	African Beer			Eur. Beer, Wine and Spirits		
	1960	1961	1962	1960	1961	1962
	£	£	£	£	£	£
Salisbury .. ..	348,524	341,961	323,549	423,358	494,927	482,938
Bulawayo .. ..	698,634	734,668	737,174	159,172	219,656	193,574
Umtali .. ..	97,414	123,227	124,998	55,829	58,201	61,328
Gwelo .. ..	52,924	77,600	76,499	35,632	82,205	42,584

In Bulawayo, where turnover is highest, the estimated income from liquor for the year ended 30th June, 1963, amounted to £990,130, of which £225,819 was earmarked for expenditure on the brewery, £356,136 for expenditure on sales, £150,186 for transference to reserve funds, and £257,989 for expenditure on health, welfare, loans for housing, and other purposes.<sup>(2)</sup>

### THE SERVICES LEVY ACT OF 1960 AND THE DEVELOPMENT OF AFRICAN TOWNSHIPS

The second source from which the funds of local authorities are supplemented for the development of African townships, is the Services Levy. With the rapid rate of urbanisation in the country in recent years, and the accompanying influx of Africans into the towns, local authorities have been unable to keep pace with the pressure of demands made upon them. The Services Levy Act was passed at the end of 1960 (*Cap. 78*), imposing a levy on all employers of African labour in designated areas, from which to supplement revenue for the subsidisation of African housing, and in particular, of African bus-services between the townships and urban centres. In terms of the Act, the Minister may declare any municipality, town management board or other body to be a prescribed authority, and every employer within the area of such authority is required to pay a monthly levy, based on the number of days work is performed by employees in his service. Exemption from the services levy is at present granted in respect of domestic servants in private households, employees housed free by employers in their own townships, employees whose wages exceed £22 per month, and other categories that may be exempted by the Minister. No employer may make any deduction from the wages of an employee in respect of such contribution.

Every local authority to which the Act applies, is required to keep a Services Levy Account for the receipt of all payments made under the Act. The areas which had been designated by the end of 1962, were Salisbury, Bulawayo, Que Que, Gwelo and Umtali. The levy at that time was fixed at three shillings per employee per week of service. This figure was arrived at after consideration of the amount necessary to enable the African Revenue Account of each of the areas concerned to balance. The question of increasing the levy was raised towards the end of 1962. Decisions to step up the payment from the basic rate of 3s. to 4s. 6d. per week per employee, were taken early in 1963, for the Salisbury, Que Que and Umtali areas.

The Services Levy is not regarded as a permanent means of meeting the loss on housing and transport for Africans. As the proportion of married to single Africans in the towns continues to grow, so the pressure for increased subsidisation for African housing will rise. It is recognised not only by industry but by the Government, that the Services Levy cannot, without economic repercussions, be expanded indefinitely to meet the demand. It is at most a temporary expedient until some more permanent source of revenue with long-term reliability can be guaranteed. The establishment of a consultative committee to investigate alternative means of raising the money necessary, was agreed to by the Prime Minister in May, 1963.

Thus, the establishment of all African townships is controlled by the Land Apportionment

<sup>(1)</sup> SOUTHERN RHODESIA. Report of the Secretary for internal affairs and chief native commissioner for the year 1962. Salisbury, Government printer, 1963 (CSR 27—1963) p. 29.

<sup>(2)</sup> Information from the City housing and Amenities Department, Bulawayo.

Act and the African (Urban Areas) Accommodation and Registration Act, as supplemented by the African Beer and Services Levy Acts. All other urban development in the country is carried out in terms of the legislation pertaining to town and country planning.

## THE TOWN AND COUNTRY PLANNING ACT OF 1945 AND THE ESTABLISHMENT OF EUROPEAN TOWNSHIPS

The planning and development of all towns in the European Area is subject to the requirements of the Town and Country Planning Act of 1945 (*Cap.* 133). This measure makes it compulsory for every local authority to draw up a scheme for the development and planning of land, in such manner as most effectively to promote the health, safety, order, convenience and welfare of the public; the economic use of land; and the optimum efficiency in communications development. The Act provides for the protection of urban amenities and the preservation of buildings and places of beauty and interest, regulating conditions of title and questions relating to the division and sub-division of land. Every town planning scheme must be submitted for the approval of the Governor before being put into effect, and is subject to revision at intervals of five years.

The Act requires the establishment of town planning authorities for every locality. Municipal councils may be regarded as their own town planning authorities for the purposes of the Act. In other local areas the town planning authority is appointed by the Minister and consists of six persons chosen for their understanding of local requirements and technical knowledge. It is usual if there is a town management board in the area for a member of the board to be included on the authority, not as its representative but because of his knowledge of the town. In general, planning schemes are only introduced for the larger towns and suburbs. In the smaller towns, control is exercised in terms of the Town and Country Planning Act by the establishment of a Crown Township. All town management boards other than those suburban boards around Salisbury and Bulawayo are crown townships. Whilst most municipalities have their own town planning divisions, the lesser local authorities depend upon the technical advice and assistance of the Town Planning Department of the Southern Rhodesia Government.

The Act imposes obvious limitations upon the rights of individuals over the use of land, and one of its provisions, which is unique to Southern Rhodesia, relates to the establishment of a Town Planning Court, to consider grievances arising from the application of approved schemes. Appeal from a decision of this Court may be made to the High Court of Southern Rhodesia.

In terms of the Act, no township may be established without the permission of the Minister. The owner of any land who wishes to establish a township is obliged to make application to the municipal council or town management board within whose area of jurisdiction the land falls. If it is situated in any other area, the applicant must seek approval direct from the Minister. No person who wishes to erect, alter or add to any building within a scheme area may do so without the approval of the appropriate authority. Copies of plans and title deeds must be lodged with the Surveyor General. The Act is applicable to both urban and rural town planning schemes, but does not apply to townships in the Native Area. In practice, conformity with the principles of town planning is attempted in these areas, and the Secretary for Local Government in his Report for 1961,<sup>(1)</sup> indicated that the time had arrived for the application of the Town and Country Planning Act to the Native Area,<sup>(2)</sup> as part of town planning control for the co-ordinated and harmonious development of all local areas in the Colony.

<sup>(1)</sup> SOUTHERN RHODESIA. Report of the Secretary for Local Government for the year ended 31st December 1961. Salisbury, Government printer, 1962 (CSR 30—1962), p. 15.

<sup>(2)</sup> The Town and Country Planning Act is based on a system of ownership and lease of property, protecting the interest of owners and lessees and ensuring orderly development. In the past it has had no place in African areas where the people live on a tribal basis. With the development of the Native Purchase area, and the inevitable growth of small townships, however, it will be necessary for Town Planning legislation to be applied to the African areas to safeguard the rights of African owners, and promote sound planning policies.



## PART IV

# LOCAL AUTHORITIES — CONSTITUTION AND POWERS

## THE LOCAL COMMITTEE, LOCAL BOARD AND OTHER PROVISIONS OF THE LOCAL GOVERNMENT ACT OF 1961

The objects of the Local Government Act of 1961 (*Cap.* 124), were outlined by the Minister of Local Government and Native Education, in the Legislative Assembly, in November, 1960.<sup>(1)</sup> The Minister emphasised that the Act had been drafted in wide terms in order to meet the diversity of circumstances between one community and another, financially, in experience, and in other directions. The Act was so planned that the Governor might assign powers to meet the needs of a particular community at a particular time: "As the community develops, both in its human and material resources, then its needs and demands for amenities and services will also grow . . . The Bill provides that, as development continues, so more and more powers may be assigned to deal with the situation."<sup>(2)</sup> The exceptionally wide powers granted to the Governor for the prescription of powers and duties are, therefore, an outstanding feature of this statute.

Broadly, the Local Government Act fulfils three functions. It provides for the establishment of local committees with wider powers than the former village management boards, which they replace. It fills a gap which formerly existed for some form of intermediate authority between the village and town management levels, by providing for the constitution of local boards; and finally, it provides for regulations to control the day to day management of local areas for which no form of local authority exists.

The Act is non-racial and may be applied equally to European and African local government areas, including African townships set up by the Government and local authorities. In making this provision, the Act contemplates the possibility of African townships becoming autonomous and attaining in due course to town management board and higher status. The local committees provided for in the Act are regarded as a potential first step towards local self-government after the African advisory boards, which represent the sole provision formerly made by legislation in this sphere. The Act provides for a transitional period in which essential services could continue to be supplied by the parent municipality, where such existed, passing at the appropriate time to the local board, with provision for the proper apportionment of assets and liabilities by the Governor.

The provisions relating to the establishment of a local committee in an African township have not yet been put into effect. Certain local authorities and African advisory boards, notably in Bulawayo, have rejected the feasibility of applying this legislation in a complex situation such as that presented by the peri-urban African area. The Government, however, has at present under consideration an application for the establishment of a local committee, received from the residents of Highfield, a large peri-urban African township administered by the Ministry of Local Government on the outskirts of Salisbury.

### THE LOCAL COMMITTEE

The Local Committee closely resembles the old village management board, which it replaces, continuing as a nominated body with no direct rating powers, responsible for the application of regulations for local services, drawn up by the Governor. Local committees have wider powers than were formerly accorded under the Village Management Act of 1898, and greater powers of accruing income from services provided.

#### Composition of Local Committees

A local committee consists of three or more members appointed by the Governor and may include a person appointed in his capacity as an officer of the public service of the Colony. Every member holds office at the pleasure of the Governor.

<sup>(1)</sup> SOUTHERN RHODESIA. Legislative Assembly. Debates. 1960. Col. 3444 et seq.  
(Minister of Local Government & Native Education: The Hon. R. M. Cleveland, O.B.E., M.P.).

<sup>(2)</sup> *Ibid.* Col. 3449.

## **Powers of Local Committees**

A local committee has the general power, subject to the approval of the Minister of Local Government, to take such steps as may be necessary for the preservation of public health, the provision of a proper and adequate water supply and of other essential services, as well as the provision of amenities for the inhabitants of the area. With the approval of the Minister, local committees may make charges and impose conditions for any service or amenity they provide. The Minister may approve or assign to the local committee other functions from time to time.

## **Regulations for Local Committee Areas**

The Governor, in consultation with the local committee may make regulations for the due exercise of the committee's powers and functions. These may relate to such of the matters mentioned in the Second Schedule (Purposes for which a Local Board may make By-Laws) as appear to him to be in the interests of the inhabitants of the area, including the planting of trees; provision of parks, recreation and sports grounds; regulation of markets; swimming baths; advertising; buildings and structures; offensive matter; overcrowding; dangerous trades; supervision of food premises; laundries; sanitary conveniences; disposal of night-soil; noise abatement; drinking water; slaughter houses; keeping of birds and animals; traffic and parking; registration of vehicles; hawkers and pedlars; street collections; bus-services; fire services; and other matters.

## **THE LOCAL BOARD**

The local board is designed to meet the problems of local government in an area where the powers of a local committee with no taxing capacity, would not suffice, but the machinery of a town management board would place an undue burden upon the community. Such an area is Penhalonga, the first for which a local board has been established. Here the community is small and the topography of the land such that the community could not afford the responsibility borne by a town management board, for example, for road construction and maintenance. The local board, too, has the alternative, not open to other local authorities, of levying a simple form of rate based on a land-unit rather than property valuation, in areas where there are a large number of properties of similar size and value. This is a less costly method than the system of rating on general valuation, but the latter method may be used by the local board, when this is necessary, in business or other special areas.

## **Composition of Local Boards**

Under the Act a local board may consist of such number of elected, and such number of appointed persons as the Governor may prescribe. Different numbers of persons may be elected or appointed for different townships, or the Governor may determine that a given board shall consist solely of elected members. In the latter case, the Chairman is elected by the members from among themselves, whilst in the former, the Governor appoints the Chairman. The official members of the board hold office at the pleasure of the Governor. Elected members serve a period of three years, one-third of their number going out of office at each annual election, in rotation. Elections are by ballot.

Every local board is a body corporate with perpetual succession and may sue and be sued in its own name.

## **Voters at Elections of Local Boards**

A voter in terms of the Act is any person who is a citizen of the Federation of Rhodesia and Nyasaland and is of twenty-one years of age and—<sup>(1)</sup>

- (a) is the owner of immovable property in the board area; or
- (b) is ordinarily resident in the board area and has been so resident for a period of not less than six months and is the occupier of immovable property in the board area and pays rent for such occupation, or has quarters in the board area provided by his employer.

<sup>1)</sup> Under the Citizenship of Southern Rhodesia and British Nationality Act, No. 63 of 1963, to come into effect at the date of dissolution of the Federation, former citizens of the Federation, eligible in terms of the Act, automatically became citizens of Southern Rhodesia.



A married woman is deemed to possess the same qualifications as her husband if she does not possess the necessary qualification in her own right, provided that in the case of a man married under any system permitting of polygamy, only the wife to whom he has been married for the longer period is qualified to vote.

No person is entitled to vote at an election of members of a local board if—

- (a) he has been convicted of an offence and sentenced to imprisonment for a period exceeding six months, for the period of his imprisonment and for a period of two years from the date of his discharge;
- (b) he is in default with the payment of any rate due and payable by him under the Act;
- (c) he is disqualified as the consequence of having been convicted of an election offence.

### **Candidates for Election to Local Boards**

Any person is entitled to be elected a member who is resident in the board area and qualified to vote. The Act provides for the disqualification of a person for election to or service on a local board if—

- (a) he ceases to be qualified as a voter or ceases to be resident in the board area;
- (b) he is serving a term of imprisonment as the consequence of having been convicted of an offence and sentenced to imprisonment without the option of a fine;
- (c) he has within the five years before being nominated as a candidate been discharged from imprisonment imposed on him on conviction of an offence and has not received a free pardon;
- (d) he is disqualified as the consequence of having been convicted of an election offence;
- (e) he is or becomes an employee of the board or holds any paid office at the disposal of the board.

A member will be suspended from office if any criminal proceedings are instituted against him involving the funds or assets of the Board, or for failure to comply with the provisions of the Act, including an election offence.

### **Powers of Local Boards**

A local board has the power under the Act to undertake any of the functions set out in the First Schedule (Powers of a Local Board), relating to fire services, bus-services, maternity and child welfare services, parks and recreation grounds, open spaces, land and buildings, markets, slaughter houses, grants-in-aid, insurance, medical aid and provident funds for its employees, public conveniences, parking places, soil and water conservation, public entertainment, sales of products of board undertakings, and any other functions approved by the Minister.

In addition, local boards are empowered to make by-laws in regard to any of the matters listed in the Second Schedule to the Act covering: proceedings of the board, trees and shrubs, parks and recreation grounds, markets, swimming baths, advertising, buildings and structures, offensive matter, overcrowding, dangerous trades, food premises, laundries, sanitary conveniences, closets, sanitary appliances, night soil, sanitary fees, nuisances, noises, washing of clothing, drinking water, slaughter houses, keeping of animals, birds and bees, stray animals, dog tax, control of dogs and animals, disease-carrying animals and insects, noxious insects, naming of streets, traffic, vehicles, obstruction, parking, pedestrian traffic, hawkers, pedlars and street vendors, street collections, omnibuses, fires, gun powder, fees for licences and services, and the conduct of any works or undertaking approved by the Minister.

The Governor may also confer upon local boards the power to make by-laws under the Roads and Road Traffic Act, 1953, in particular, the power to make by-laws for providing a tariff of fees or charges to be payable to the board in respect of licences issued and services rendered.

The Governor may further declare a local board to be a local authority in terms of any of the following laws:

- The African Beer Act (*Cap. 93*)
- The Public Health Act (*Cap. 167*)
- The Fruit and Vegetables (Urban Areas) Act (*Cap. 121*)
- The Advertisements Regulation Act (*Cap. 217*)
- The Shop Hours Act (*Cap. 238*)
- The Liquor Act (*Cap. 234*)

All by-laws passed by a local board must have the approval of the Governor before being put into effect, and may be repealed by him at any time.

### **Rating and Valuation in Local Board Areas**

Subject to the approval of the Minister, a local board may levy annually, a rate upon all immovable property within the board area, except such property as may be exempted by regulation.

Such rate may be—

- (a) an owner's rate assessed upon the value of that portion of the rateable property which consists of land only or upon that portion which consists of improvements only or upon the value of all such rateable property; or
- (b) an occupier's rate assessed upon the value of that portion of rateable property which consists of land only or upon that portion which consists of improvements only or upon the value of all such rateable property; or
- (c) both an owner's rate and an occupier's rate.

The proviso is made that a board may levy a rate upon residential property within the board area, based on a unit of land fixed by the board, in place of a rate assessed in terms of (a) or (b).

Provision is made for the Minister to levy a special rate within a board area where a board has failed to pay any sum due in respect of a loan, or in order to meet a deficit of the board.

### **Revenues and Finances of a Local Board**

The Act provides that a local board may derive revenue from the following sources: rates levied by the board; money from licences, permits, dues, rents, charges and fees; receipts from services or undertakings run by the board; interest on investments; grants and contributions from the Government; allocations from Parliamentary appropriations; gifts, contributions, donations and subscriptions; bequests and any moneys lawfully derived from other sources.

True accounts of every transaction of the board must be kept, in accordance with regulations laid down by the Governor. Estimates of expenditure are required to be drawn up by the board annually and submitted to the Minister for approval. Annual statements of accounts must be prepared within three months of the close of each financial year, and a copy submitted to the Secretary for Local Government.

A local board is empowered to raise loans for the purposes of its work, with the consent of the Minister in consultation with the Minister of the Treasury.

Provision is made for accounts to be audited annually, subject to such regulations as to the appointment of auditors as may be made by the Minister. The duties and powers of auditors, provisions for surcharge, and other matters, are set out in the Act.

### **Regulations for Local Board Areas**

For the better functioning of the Act, the Governor may make regulations concerning the framing of a list of voters; claims for enrolment; objections to the voters' list; the nomination of candidates for election; the appointment and duties of returning officers; the conduct of elections; offences in connection with elections; methods of accounting; submission of detailed estimates; establishment of reserve and depreciation funds; procedures for levying rates; the valuation of land and improvements; framing of a valuation roll; and other incidental matters.

### **OTHER PROVISIONS OF THE LOCAL GOVERNMENT ACT, 1961**

Apart from the appointment of local committees and local boards, the Act makes provision for other matters of a general nature relating to local government in the country. These include measures for the management under direct government control of townships for which the appointment of a local committee or board would be unsuitable; and provisions concerning the relationship of local committees and local boards to town management boards and municipalities.

### **The Appointment of Local Government Officers and Government by Regulation**

Where circumstances are such that the appointment of a local committee or local board is impractical for a local government area which is not a municipal or town management board



area, the Minister may make such regulations, and appoint such local government officers as he deems necessary for the administration of the area.

The Act provides that the Minister may prescribe the duties and authority of persons employed in the administration of the area; regulate the erection of buildings and other structures, conditions of residence and the collection of rents, trading and the carrying on of any calling or occupation, prevention of nuisances, the preservation of public decency, maintenance of hygienic and sanitary conditions of buildings, the cultivation of land, the keeping of animals and poultry; and generally maintain the safety, convenience and good order of the residents.

In application of the Act, the Local Government Regulations were passed on the 14th December, 1962, empowering the Minister to appoint a manager for every local government area to which the regulations apply. The Regulations, published in Government Notice No. 569 of 1962, also relate to the control of land, buildings, pollution of public streams, meetings of twelve or more persons, animals, streets and thoroughfares, fire control measures, health and sanitation, trade premises, hawkers and street vendors, overcrowding and miscellaneous other matters.

Provision was formerly made under the Land Apportionment Act for the Governor to make regulations providing for the good government, health and general welfare of African townships, villages and business centres. With the introduction of the Local Government Act, however, such areas are now regulated in terms of the Local Government Regulations.

#### **The Relationship of Local Committees and Local Boards to Municipalities and other Local Authorities**

The Act grants the Minister special powers to make regulations for the extension of essential services to local committees and local boards, by neighbouring municipalities. This provision enables the smaller authorities to provide services which they would not otherwise be in a position to finance, including the supply of water, electric power, sewerage services, rubbish removal and similar facilities for which the necessary capital outlay has already been made by the municipalities in respect of their own undertakings.

Where a municipal council or town management board has established a township under any law, the Act empowers the local authority to make by-laws for the good rule, government, control, use and occupation of such township. These by-laws may relate to any of the matters listed under section 270 of the Municipal Act of 1952 (Purposes for which By-laws and Regulations may be made), or the Second Schedule of the Town Management Act, 1953, as the case may be.

Similarly, a municipal council or town management board which has established a township, may by reference extend to such township any of the by-laws ordinarily in force within its area of jurisdiction.

One of the most significant features of the Local Government Act, 1961, is the power vested in the Governor to set up a local committee or local board in respect of any township established by a municipal council or town management board, after due consultation with such authority. This provision makes it possible for the first time, for African townships to acquire autonomy in local government. In such cases the Act gives the Governor the power to make an apportionment of property assets and liabilities between the local board and the municipal council or town management board concerned. (Although not entrenched in the Act, the principle has been approved of consultation between the Governor and a body specially appointed by the Minister for the purpose of advising on such matters, the Local Government Advisory Committee.)

The Governor may from time to time suspend such powers of a municipal council or town management board, under this or any other law, as may be necessary in his opinion to allow the local committee or local board the full exercise of its functions. In this case, any by-laws that may have been made by the municipality or town management board are regarded as regulations made in respect of a local committee area, or by-laws initiated by a local board in terms of the Local Government Act.

#### **Criteria for Advancement**

No exact criteria have been laid down in the legislation for progression from one level of local government to the next. This provision was deliberately omitted from the Local Government Act, in order to permit of a higher degree of flexibility in meeting the wide range of

variation in circumstances from one type of local government area to the next. In introducing the second reading of the measure in the Legislative Assembly, in November, 1960, however, the Minister of Local Government and Native Education, the Hon. R. M. Cleveland, M.P., outlined some of the factors that were to be taken into account in granting local government status at various levels. These principles included—<sup>(1)</sup>

- “... the desire of the inhabitants ... (and) the need of a township for a system of local government apart from the view of its inhabitants, in order to meet essential services and to share in service responsibility;
- ... the financial interest in property and services of existing present local authorities and the Government in the new area;
- ... the economic and technical ability of the new authorities to take over internal services and property from the present authorities.”

In other words, the basic requirement, according to the Minister, was to be “the competency of the community, through their representatives to handle problems of administration and to provide a sufficient share of the funds necessary for that purpose ... This, irrespective of where — or who — the community may be.”<sup>(2)</sup> It would be necessary for years to come, for the Government to provide subsidisation for the junior local authorities, but this need would recede with growing efficiency on their part. The insistence upon the readiness and ability of the local authority to take increased responsibility and the need for local self-government to be earned rather than automatically conferred, is reflected both in the intention behind the Local Government Act and the African Councils Act.

### THE TOWN MANAGEMENT BOARD AND PROVISIONS OF THE TOWN MANAGEMENT ACT OF 1953

In terms of the Town Management Act of 1953 (*Cap.* 134) the Governor may establish a town management board wherever he considers it desirable. This Act replaces an earlier Town Management Act of 1926, which in turn substituted Sanitary Board legislation dating back to 1894.<sup>(3)</sup>

A town management board has many of the powers of a municipal council which it closely resembles. The Town Management Board permits of a degree of informality, however, not possible under the conventions of municipal administration. There is not the same tradition attached to the proceedings of chairman and members of a town management board, as surrounds the pageantry of Mayor and city councillors. Meetings and elections of town management boards may be conducted with less complexity. In smaller town management areas, members of a board may be elected by the simple process of calling a public meeting and selecting candidates by a show of hands. For the larger areas, the conventional procedures for election by ballot are provided.

The Act provides a similar condition to that made under the Local Government Act, 1961, that the larger local authorities, in this case the municipal councils, may supply water and other facilities to surrounding town management boards at a charge. Incorporation of town management areas, within neighbouring municipalities is possible in terms of the Act.

The growth of town management boards has taken several forms: in some cases a village has expanded into a town in the normal course of development; in others community clusters have developed on the fringe of established urban centres and set up independent town management boards. The growth of town management boards has been impressive, both in number and size. In 1947, there were sixteen town management boards, whilst in December, 1962, there were twenty-five, some greater in size and rateable value than towns with municipal status.

### Composition of Town Management Boards

The number of members elected to a town management board may be determined from time to time by the Minister of Local Government, who may appoint a Chairman in addition

<sup>(1)</sup> SOUTHERN RHODESIA. Legislative Assembly. Debates. 1960, Salisbury, Government printer. Col. 3450.

<sup>(2)</sup> Ibid. Col. 3451.

<sup>(3)</sup> SOUTHERN RHODESIA. Report of the Urban African affairs commission 1958. Salisbury, Government printer, 1958. par. 151.



to the fixed number of elected members. The Act provides, however, that the number of members to be elected shall not be less than *six* or more than *twelve*.

The Chairman of the board may either be elected by the members from among themselves, or where not less than two-thirds of the members of the board are in agreement, the Minister may be requested to appoint a person named by the board to be Chairman. In the latter event the Chairman has no deliberative but only a casting vote.

The Act provides for retirement from office by a system of rotation, the member going out of office at the conclusion of every annual election, being the one who has been longest in office without re-election. Where two or more members have been elected at the same time, the order in which they retire is determined by the number of votes they gained in the election, the member with the smallest number going out of office first. Regulations framed under the Town Management Act for the separate boards, commonly provide for a membership period of 3 years. If at any election of members of a town management board, the voters fail to elect a sufficient number of members, the Minister has the power to appoint members to the board.

The Governor after consultation with the board has the power to divide the area of jurisdiction of a board into wards and to determine the number of members to be elected for each ward.

#### **Voters at Elections of Town Management Boards**

In order to qualify as a voter at an election of members of a town management board for his area, a person must be enrolled as a voter under the Electoral Act of 1951. In addition a voter must be a person who—

- (a) is the registered owner of immovable property in the board area; or
- (b) is ordinarily resident in the board area and has been so resident for a period of not less than three months and is in occupation of immovable property in the board area for which payment is made by way of rent or for board and lodging.

Every married person over twenty-one years of age, other than a person married under any system permitting of polygamy, is deemed to possess the same qualifications as his or her spouse in cases where he or she does not possess the necessary qualifications in his or her own right.

The Secretary of the board is required under the Act to prepare an annual voters' roll containing the names of all persons qualified to be voters.

#### **Candidates for Election to Town Management Boards**

Any person who is qualified for registration as a voter for the board area, is eligible under the Act for election as a member of the board.

Disqualification from election and from membership of the board follows for any person if—

- (a) he ceases to be qualified for enrolment as a voter for the board area;
- (b) he is or becomes an employee of the board;
- (c) he acts as advocate or attorney on behalf of any party in any legal proceedings against the board (whilst a member);
- (d) he is serving a term of imprisonment as a consequence of having been convicted of a crime and sentenced to imprisonment without the option of a fine, or to any greater punishment;
- (e) he has within the five years before being nominated as a candidate been discharged from imprisonment undergone by him as the consequence of having been convicted of a crime and sentenced to imprisonment without the option of a fine or to any greater punishment and has not received a free pardon;
- (f) he has within five years before being nominated as a candidate, been convicted of any crime and given a suspended sentence of imprisonment without the option of a fine;
- (g) he has within twelve months before being nominated as a candidate or at any time while being a member been in receipt of Government rations or a maintenance allowance in lieu of rations (exceptions are allowed in the case of old age pensioners and certain others);
- (h) he has within five years before being nominated or at any time while being a member been declared insolvent or bankrupt by a competent court in the Colony, or made arrangements with his creditors for partial release from his debts;

- (i) he has any direct or indirect pecuniary interest in any contract with the board (exceptions are made in the case of contracts worth £200 or less, and in certain other instances).

### **Powers of Town Management Boards**

A town management board has the power and authority to undertake any of the functions set out in the First Schedule of the Act. These include powers very similar to those of a municipality, the difference being largely one of degree. The powers of a town management board include provisions relating to roads and bridges, lighting, water, electricity, electrical appliances, fire brigades, bus-services, maternity and child welfare, parks and recreation, open spaces, land and buildings, markets, stock pens and dip tanks, slaughter houses, publicity, grants, pensions and allowances to officers and families, insurances, medical aid and provident funds, travelling expenses, night soil and refuse removal, drains, sewerage and sewerage works public conveniences, parking places, water conservation, public entertainment, disposal of products from board undertakings, and any additional functions not specified in the Act, provided they have been approved by the Minister.

The Second Schedule of the Act sets out the subjects upon which a town management board may make by-laws. Here, the wording of the Act is almost identical with that of the Local Government Act, 1961, for which it appears to have served as a model in framing the scope of by-laws. A town management board may make by-laws for all the matters within the function of a local board, plus certain additional subjects. These cover the licensing of cafes and restaurants, tea-rooms and hotels; inspection and licensing of African eating-houses; regulation of drains and sewerage and of buildings and premises; the regulation, rationing and use or cutting-off of the water supply; the regulation of the erection and use of stock-yards and dipping tanks; control and supply of electricity, licensing of electricians, inspection of premises; tariffs for supply; and regulations for letting and selling electrical appliances.

The Governor's approval is required for all by-laws passed by a town management board.

### **Rating and Valuation in Town Management Board Areas**

Every town management board has the right, under the Act, to levy an annual rate on the value of property within its area. Such rate may be—

- (a) an owner's rate assessed upon the value of that portion of the rateable property which consists of land only or upon that portion which consists of improvements only, or upon the value of all such rateable property;
- (b) an occupier's rate assessed upon the annual value of that portion of rateable property which consists of land only or upon that portion which consists of improvements only, or upon the annual value of all such rateable property; or
- (c) both an owner's rate and an occupier's rate.

The aggregate of all rates imposed may not exceed in any rating year, threepence in the pound on the value of improvements and sixpence in the pound on the value of land. If a rate is imposed upon the combined value of land and improvements, the rate may not exceed fourpence in the pound on the aggregate value. Lower rates may be levied with the approval of the Minister for different classes of rateable property, but apart from this requirement, the levying of rates is not subject, as in the case of local boards, to the need for prior approval by the Minister.

A special rate may be levied in any portion of the town management area, for particular works carried out in that area.

The definition of rateable property excludes crown land, land occupied by the board, certain municipal-owned land, and land used for public purposes such as libraries, museums, churches, schools, hospitals, orphanages and charitable institutions, cemeteries, sports and recreation grounds, and agricultural showgrounds.

Detailed provisions are made in respect of the valuation of property for rating purposes, appointment of valuation officers, and the establishment of valuation courts to hear objections to assessments.

### **Revenues and Finances of a Town Management Board**

Whilst the Town Management Act does not, as in the case of the Local Government Act, specifically list in one section all the sources from which a town management board may draw revenue, nevertheless, these sources by implication are the same: rates levied by the board;



money from licences, fees, permits, dues, rents or charges; receipts from services or undertakings of the board; Government contributions; interest from investments; bequests and donations. There is, however, a special section empowering the Minister to make grants to a town management board, of such amount as he may fix annually in relation to the revenues of the board.

As in the case of a local board, town management boards are required by the legislation to draw up annual estimates of expenditure and to maintain true and regular accounts of all sums of money received and paid. Such accounts are open to inspection by members, voters and creditors at any time.

A town management board may borrow money with the approval of the Minister, for the purchase of land, equipment, construction of works, or for liquidating an earlier loan. All accounts are to be audited annually and the Minister may make regulations concerning the appointment of auditors. A certified copy of the annual statement of accounts together with the auditor's report thereon, must be forwarded each year to the Minister, who may, if he deems it necessary, forward the auditor's report and the Board's comments upon it to the Controller and Auditor General.

### **Regulations for Town Management Board Areas**

Regulations may be made by the Minister concerning the hearing of appeals from persons refused admission to the voters' roll; the conduct of elections; and the appointment by the board of special committees. Different regulations may be made for different board areas.

### **The Relationship of Town Management Boards to Municipalities and Other Local Authorities**

The power of the Governor for the establishment of Town Management Boards includes the power of severing any portion from the area of a board and establishing a separate town management board for the area subtracted; the power of including one or more town management board areas or other local authority areas within the area of a town management board, including any part of an area under municipal jurisdiction, with the agreement of the municipality concerned; and finally the power to declare by proclamation that any municipality shall, as from a date fixed in the proclamation, cease to be a municipality and be constituted a board area under the provisions of the Act.

## **THE MUNICIPAL COUNCIL AND PROVISIONS OF THE MUNICIPAL ACT OF 1952**

Legally, the local authority leading in power and status in Southern Rhodesia, is the municipal council. The legislation prescribing the establishment of municipalities in the Colony is the Municipal Act of 1952 (*Cap.* 125), a consolidation and revision of a number of earlier enactments, which in turn had their origin in an act of 1882, Act Number 45 of the Cape of Good Hope, which was taken over in 1890 as the Municipal Law of Southern Rhodesia.<sup>(1)</sup>

In terms of the Municipal Act, the Governor may declare any town or village to be a municipality on receipt of a petition from a town management board, signed by not less than two-thirds of its members; or, where no such board exists, on petition by not less than twenty-five residents of the proposed municipality, who are the owners or occupiers of stands situated in the area. Alternatively, the Governor may exercise this power without any previous presentation of a petition.

In terms of the Act, the inhabitants of any town declared to be a municipality constitute a body corporate with perpetual succession and a common seal, capable of suing and being sued in law.

### **The Composition of Municipal Councils**

The Act provides for the government of every municipality to be by means of a council consisting of a mayor and councillors. All acts of such a council are deemed to be the acts of the municipality. It is laid down that the number of councillors for any municipality shall not be less than *six*, nor more than *twenty-four*. In the case where a municipality is divided into wards, the Act prescribes that the number of councillors returned by each ward shall ordinarily be three, but on a resolution of the municipal council, the Governor may raise this number to

<sup>(1)</sup> BRELSFORD, W. V. (ed.) Handbook to the Federation of Rhodesia & Nyasaland. Cassell, for the Federal information department, 1960. p. 694.

four councillors for each ward.

Provision is made for the Governor to nominate and appoint a mayor for each municipality. On receipt of a written application signed by not less than twenty-five persons qualified to vote, however, the mayor of a town may call a meeting to decide whether in future the mayor shall be appointed by nomination by the Governor, or be one of the councillors elected from among themselves. An allowance for public hospitality is payable to the mayor of each town under the Act, upon sanction of a meeting of ratepayers called for the purpose. In Salisbury this allowance is £2,000 per annum. The payment of an allowance to councillors is optional under the Act, which provides a maximum of £10 per month to be approved by a poll of voters. The Salisbury municipality has obtained authority for the payment of the full amount.

A person who has held office as a councillor in the same Council for a period of ten years or more, whether served continuously or not, may be raised by that council to the status of alderman, a life-long honour. The number of aldermen may not exceed one-third of the members of the council at any one time. The honour is a nominal one only and does not carry with it, as in England, any additional significance either for the mode of election or the length of service of the recipient.

### **Proportional Representation**

The Governor may declare that a contest for the election of councillors in any municipality shall be held in accordance with the principle of proportional representation and the transferable vote, provided that he has been presented with a prior resolution praying him to do so, passed by a majority of voters present at a special meeting convened for this purpose. No record can be traced of this section of the Act having been invoked for any municipal election held in the country.

### **Voters at Elections of Municipal Councils**

In Southern Rhodesia qualification for enrolment as a voter in a municipality, as in the case of smaller local authorities, is based on the liability of the individual to be rated. Persons entitled to be enrolled as voters under the Municipal Act include—

- (a) every person of full age who is the owner or occupier of any immovable property in a municipality, and who has paid all sums due in respect of rates;
- (b) every person of full age who is the occupier of any immovable property in a municipality which is the property of the Government of the Colony or of the municipality;

A married person over twenty-one years of age is deemed to possess the same qualifications as his or her spouse in cases where he or she does not possess the necessary qualifications in his or her own right, provided such person is not married under any system permitting polygamy.

In the case of a municipality that is divided into wards, a person qualifying for enrolment as a voter is entitled to registration in every ward in which ownership or occupation of immovable property entitles him to such enrolment.

Where two or more persons are jointly liable to be rated in respect of any property, each person, up to a maximum of three, is deemed to be qualified for the municipal vote. If a company is the owner of immovable property in the area, the manager, secretary or other officer of such company in occupation of the property may be enrolled as a voter on its behalf.

The following persons are disqualified from registration on the voters' roll:—

- (a) any person who is mentally disordered or defective;
- (b) any person who has been convicted of a crime and sentenced to imprisonment without the option of a fine, or to greater punishment, and has not received a free pardon—for the period of his imprisonment and for five years from the date of his discharge;
- (c) any person convicted as above and given a suspended sentence of the same kind—for the period of five years after the imposition of such sentence.

Any person who has not paid all sums due in rates, is disqualified from exercising his vote at an election of a municipal council under the Act.

### **Candidates for Election to Municipal Councils**

The Act provides that a candidate for election as a councillor should be "liable to be rated". This means that he need not necessarily be enrolled as a voter. The following categories



are specified as eligible for election under the Act:—

- (a) every person of full age liable to be rated in respect of immovable property within the municipality of the yearly value of not less than twenty pounds, owned or occupied by him for a period not less than six months next before such election—provided that no municipal rate payable by such person is in arrear for more than three months before such election;
- (b) managers, secretaries and other representatives of companies occupying immovable property owned by such companies of the requisite value, provided that the requirements of (a) are met.

Every married person who does not possess the necessary qualifications in his or her own right is eligible for election as a councillor, provided he or she is over twenty-one years of age, is not married under a system permitting of polygamy, and his wife or her husband as the case may be is eligible to be elected as a councillor.

Eligibility to be elected and hold office as a councillor continues only for so long as the necessary requirements continue to be met.

### **Powers of Municipal Councils**

Extensive powers are granted to municipal councils under the Act. Not only do they possess wider authority for performing certain of the routine functions carried out by town management boards, but in addition they have power in a range of matters beyond the scope of other local authorities.

Among the functions of municipal councils which are outside the power of other authorities, are the provision of housing schemes, hospitals, schools, art galleries, museums, aerodromes, gas supplies, certain powers for the construction of private streets, and the power of conferring mementoes and the freedom of the town upon persons whom the community wishes to honour. Municipalities are also the owners of unalienated land within their area of jurisdiction, they are their own town planning authorities, and have greater freedom in the raising of loans. In addition, they have more specific powers than those possessed by other local authorities in the following fields of administration: the right to fix special rates for sanitary services; the supervision and inspection of public structures, including theatres and concert halls; parking provisions; the suppression of gaming houses and brothels; the regulation of the storage and use of firearms and explosives; provisions relating to bus-services; control over fishing, ferries and tolls; control over porters, hairdressers and bakers; the publicising of the district, and expenditure on public functions.

### **Rating and Valuation in Municipal Areas**

The Act requires a municipal council to levy rates upon all rateable property within its area of control, at least once in every year, and from time to time as it thinks fit. Such levy may be—

- (a) a landlord's or owner's rate assessed upon the value of that portion of the rateable property which consists of land only, or upon that portion which consists of improvements only, or upon the value of all such rateable property in such proportions as the council may determine;
- (b) a tenant's rate assessed upon the annual value of that portion of the rateable property which consists of land only, or upon that portion which consists of improvements only, or upon the annual value of all such rateable property in such proportions as the council may determine; or all or any of such rates.

No rate may exceed fourpence in the pound on the value, or one shilling and fourpence upon the annual value of any rateable property, unless prior notice of the intention to levy such rate has been published by the council. Any ten ratepayers may demand within a week of such publication that the question of levying the rate be submitted to a poll of ratepayers for decision.

A special rate may be levied on a particular portion of the municipality for some undertaking or improvement which is for its specific benefit. This latter provision, however, is rarely exercised.

The practice of municipal councils in Southern Rhodesia has been to fix the amount of the rates to be levied in accordance with the cost of amenities provided by the council which are non-revenue producing, such as roads and bridges, sports grounds, parks, fire services,

street-lighting, ambulances, grants-in-aid and storm-water drainage, or of subsidised amenities, for example, swimming baths or public conveniences for which nominal charges are made which do not cover the cost of their provision.

Exemption from the payment of rates is granted in the case of certain crown property, property which is owned by the municipal council and native townships under its control, railway property and property used exclusively for public worship, public schools, libraries, museums, cemeteries, hospitals, benevolent institutions and orphanages. Where property serves a dual purpose and is only partially exempted in terms of the Act, the practice of municipal-councils is to charge a rate, and then to compensate the institution by means of an appropriate grant-in-aid.

The individual rate payable by each property owner is determined according to the valuation of the property he owns. Properties are valued at regular intervals under the Act, and a Valuation Roll drawn up. This is open to inspection by ratepayers who may make representation to a Valuation Court, appointed by the Governor, if they are not satisfied with the value accorded to their property.

### **Revenues and Finances of a Municipal Council**

The revenues of a municipal council, like its junior counterparts, the town management boards and local boards, is derived from the levy of rates, receipts from trading concerns operated by the municipality, tariffs, charges and fees for services, registration and licensing dues, and to a more limited extent, subsidies from the Government—these mainly in respect of public health services and motor vehicle taxation. Although exempt the Government pays the equivalent of rates on public buildings which it administers.

Subject to the provisions of the Act, a municipal council may borrow money for permanent works in its undertaking to liquidate the principal monies owing on account of any previous loan. The intention of the council to borrow money, must be advertised in advance and any twenty ratepayers may demand that the matter be referred to a poll for a majority decision.

A municipal council may not, in terms of the Act, incur loans exceeding in value one-sixth of the rateable property in the municipality, without the assent of the Governor. The application of this provision has been relaxed in practice to permit municipal councils to maintain a loan debt considerably in advance of this limitation, but mainly in respect of remunerative or partly remunerative works. The one-sixth limitation is the relic of a period when the heavy capital outlay involved in the distribution of electricity or the reticulation of water, was unknown in the Colony.

As soon as possible after the annual election of councillors, every municipal council is required under the Act, to appoint one auditor, and the Minister to appoint another, to hold office for the ensuing financial year. Regular accounts must be maintained of all income and expenditure, open to the inspection of ratepayers and creditors of the council. The Governor may appoint some person to examine the accounts of a municipality at any time.

Municipal councils are not required, as in the case of lesser local authorities to submit to the Minister annual estimates of revenue and expenditure for his approval. It is however, the practice of all municipal councils to forward copies of annual estimates to the Minister for information.

### **Appointment of Officials**

Special provision is made under the Municipal Act for the appointment of a town clerk and such other officers and servants as may be necessary to assist in the administration of the Act.

In order to safeguard officers from possible victimisation due to a conflict of views, the legislation provides that any person appointed to the position of town clerk, town treasurer, town engineer or medical officer of health, may only be removed from office upon a resolution of a majority of members of the whole council, present at a meeting convened for the purpose.

The Act contains safeguards against the possibility of bribery or corruption, stipulating that no form of fee or reward other than by way of salary or allowances payable by the council, may be accepted by officials.

### **Regulations for Municipal Areas**

Apart from the requirement that elections of councillors shall be governed by regulations



made by the Governor,<sup>(1)</sup> there is no general provision under the Municipal Act comparable to that made under the Town Management and Local Government Acts, for the Governor or the Minister to make regulations pertaining to the work of the local authority. Subject to the limitations imposed upon elections, loan-raising and the auditing and inspection of accounts, municipal councils enjoy a full measure of independence in the control exercised over their own affairs.

## THE AFRICAN COUNCIL AND PROVISIONS OF THE AFRICAN COUNCILS ACT OF 1957

In the African rural areas of Southern Rhodesia local government is regulated by the African Councils Act of 1957 (*Cap. 95*).

Under the Constitution of 1923, provision was made for the establishment of African councils which were intended purely as a local forum for the discussion of common matters of interest. The councils, however, were found to serve little useful purpose and in 1937 a Native Councils Act was passed, empowering the Governor to appoint African councils which were vested with important statutory powers. These councils consisted of chiefs and headmen, and other indigenous Africans who could be appointed from nominations put forward by the local community. The councils were given responsibility for the construction of roads and bridges, afforestation, the conservation of water, sanitation and the provision of education facilities, and could pass by-laws to regulate these functions. Although by 1952, 43 African councils had been established under this Act,<sup>(2)</sup> these in turn failed to arouse enthusiasm and support, and despite their statutory functions were largely ineffectual as the agents of local government.

In an endeavour to infuse into the African Council system the vitality and support which was lacking, a new measure, the African Councils Act of 1957, was introduced. This Act embodies an entirely new concept of local government, in which it is viewed not as a function to be indiscriminately imposed from above, but as a right to be granted only where the necessary desire for self-government and a sense of responsibility are manifested. The Act specifically lays down that before any African council may be set up, the inhabitants of the area concerned must have expressed a clear desire to assume responsibility for the management of their own affairs. At the end of 1962, there were 55 African councils in Southern Rhodesia.<sup>(3)</sup>

### The African Councils Board

The African Councils Act, 1957, provides for the establishment of an African Councils Board consisting of—

- (i) the Secretary for Internal Affairs or in his absence a person nominated by him who shall be chairman of the Board;
- (ii) one other officer of the Ministry of Internal Affairs chosen by the Minister;
- (iii) an official of the Treasury nominated by the Minister of the Treasury;
- (iv) a person nominated by the Minister responsible for local government.

The duties of the Board are to advise the Minister of Internal Affairs on the establishment, powers, duties and staffing of African councils; to control and co-ordinate the making of grants to African councils; to examine and report to the Minister on the establishment, powers, duties and staffing of African councils; to control and co-ordinate the making of grants to African councils; to examine and report to the Minister upon all estimates of revenue and expenditure prepared by African councils in terms of the Act; to prepare an annual report to the Minister on the affairs and activities of all councils established under the Act; to review the system of African councils from time to time; and generally to advise and report to the Minister on all matters relating to African councils.

In terms of the Act, the Minister may establish an African council either on Tribal Trust Land or in any part of the Native Area as defined under the Land Apportionment Act of 1941,

<sup>(1)</sup> Vide Municipal Election Regulations 1953. Published under Government Notice No. 697 of the 4th September, 1953.

<sup>(2)</sup> SOUTHERN RHODESIA. Report of the Secretary for native affairs, chief native commissioner and director of native development for the year 1952. Salisbury, Government printer, 1953. p. 31.

<sup>(3)</sup> SOUTHERN RHODESIA. Report of the Secretary for internal affairs and chief native commissioner for the year 1962. Salisbury, Government printer, 1963. p. (CSR 27—1963) p. 90.

including any African township established under that Act, not under the jurisdiction of a municipal council.

### **The Issue of Warrants**

The Minister, after consideration of the recommendations of the Board, may direct by notice in the Gazette, that an African council shall be established, name it, define its area, and give it certain powers. Upon publication of such notice, the Secretary for Internal Affairs issues a warrant in terms of the Act which fulfils the function of a charter setting out the name and area of jurisdiction of the council; its composition; powers and the scope of its by-laws; the system of rating to be followed; the qualifications of voters; provisions for the appointment of chairmen and the exclusion of some chiefs from the position of vice-presidents or headmen from being councillors; the procedure for elections; qualifications of African councillors; the division of the area into wards; quorums and procedures for the conduct of meetings; the appointment of officers and servants; the preparation of estimates of revenue and expenditure; maximum and minimum rates which may be levied; and conditions under which the powers of the African council may be exercised.

A warrant may at any time be revoked or amended by a subsequent warrant issued by the Secretary for Internal Affairs. The system of warrants ensures that an African council may be tailored to meet the requirements of any type of community, making full allowance for local variations in tribal customs and observances.

### **The Composition of African Councils**

An African council may consist of any number of members, the size being specified in the warrant. The number of elected councillors varies from six to twenty-four. In Tribal Trust Land councils also include up to 13 headmen and 7 chiefs. The largest council comprises 24 elected members, 10 headmen and 4 chiefs. The Act provides that every headman who holds office in the area shall *ex officio* be a member, unless otherwise provided in the warrant. The district commissioner is president of and acts in an advisory capacity to every council in his district. The provincial commissioner may appoint an officer in the Ministry as deputy president.

In the Tribal Trust areas, every chief appointed under the African Affairs Act (*Cap. 92*) is by virtue of his office, a vice-president of any council within whose area he holds office, unless otherwise directed in the warrant, and it is his duty to attend all council meetings. The remaining councillors are elected by members of the community. With two exceptions, chiefs and headmen have no part in African councils established in the Native Purchase Area, which consists of elected councillors only, varying in number from six to twelve.

The president of the council also acts as its chairman, but need not necessarily do so if other provision is made under the warrant; but where a deputy president has been appointed by the district commissioner, the office is filled by such official. The president may appoint a vice-chairman or he may be elected from among the vice-presidents or members of the council, with the approval of the provincial commissioner.

It is in the role of vice-chairman that the African members of the African councils may gain their first opportunity for developing the qualities of leadership and experience in the local government of their own communities.

Councillors other than headmen, hold office for three years, one-third of the members of the council retiring annually, in rotation, those with the longest period of service retiring first. Elections are held annually. If at any election the number of candidates returned is less than the number to be elected, the district commissioner may fill the vacancies created, by the appointment of his own nominees. Councillors receive no payment for their services, but may be re-imbursed for travelling, subsistence and attendance allowances to mitigate any financial loss due to council work.

African councils may establish special committees for the better performance of their functions, or decentralise their work through local committees at neighbourhood level. Amongst these are agricultural committees, which if approved by the Natural Resources Board may function as intensive conservation area committees in their districts. All meetings of African councils but not of special committees, are open to members of the public and the press.

Every African council is a body corporate, and has the power, subject to the approval of



the Secretary for Internal Affairs, to appoint a senior council officer, who is responsible for the main execution and administration of the council's work, convening meetings, implementing decisions, and acting as council adviser. Other officers may be appointed as necessary to assist the senior officer, with the approval of the Secretary for Internal Affairs. An officer may take part in the discussions of the council but may not vote. The services of suitable Government officials may be made available to an African council until such time as it is able to engage staff of its own.

A council may engage such employees as it thinks necessary for the proper carrying out of its functions and delegate to the senior officer the power to appoint and remove this class of employee subject to the approval of the president.

The method of election of members to an African council is prescribed by regulation and may take the following forms—<sup>(1)</sup>

- “traditional” where the voters express a preference for their traditional leaders;
- “acclamation” where the voters announce their wishes as a group;
- “decision by view” where the voters indicate their individual wishes by assembling behind their nominees;
- “decision by poll” where the voters desire, or it becomes necessary to resort to a counting of heads;
- “secret ballot” where voters are reluctant to put their individual decisions on view and it is desirable to introduce a measure of secrecy.

The proportion of the population participating in elections is not known, but women generally play a very small part, whilst younger persons predominate.

### **Voters at Elections of African Councils**

In order to adjust the machinery of the African council to the demands of local communities of differing ethnic backgrounds, the qualifications of voters are either laid down under the warrant or by regulation, and differ from one district to another. The district commissioner is required to draw up a list of the names of every voter in the district served by the African council. In Tribal Trust Land the only qualification for a voter is that he shall be an “inhabitant”. Women are generally excluded as they are not rate-payers, but there are exceptions to this rule. In Native Purchase Areas the right to vote is normally tied to possession of land either as an owner or a lessee.

Whilst the qualifications of voters are prescribed by warrant or regulation and may vary, the circumstances disqualifying any person from being registered as a voter are fixed and specified in the body of the Act. No person is entitled to vote at any election of members of an African council if—

- (a) he has been convicted of an offence and sentenced to imprisonment for a period exceeding six months, for the period of his imprisonment, and for a period of two years from the date of his discharge from such imprisonment;
- (b) he is in default with the payment of any rate due and payable by him under the Act;
- (c) he is disqualified as the consequence of having been convicted of an election offence.

### **Candidates for Election to African Councils**

The African Councils Act provides that every male and female who is actually living in the area of an African council and who is qualified to vote, is eligible for election to the council. A person is disqualified from election or from continuing to serve as a member of an African council if—

- (a) he ceases to be qualified as a voter or ceases actually to live in the area of the council;
- (b) he is or becomes a member of any police force established under any law of Southern Rhodesia;
- (c) he is serving a term of imprisonment as the consequence of having been convicted of a crime and sentenced to imprisonment without the option of a fine or to any greater punishment;

<sup>(1)</sup> BRELSFORD, W. V. (Ed.) Handbook to the Federation of Rhodesia and Nyasaland. Cassell, for the Federal information department, 1960 p. 705-706.

- (d) he has within five years before being nominated as a candidate been discharged from imprisonment undergone by him as the consequence of having been convicted of a crime and sentenced to imprisonment without the option of a fine or to any greater punishment, and has not received a free pardon;
- (e) he is disqualified as the consequence of having been convicted of an election offence;
- (f) he is or becomes an employee of the council or any other council or holds any paid office or other place of profit at the disposal of the council or any other council;

Provided that a person shall not be deemed to be disqualified in terms of this paragraph if the Minister so directs.

Where any criminal proceedings are instituted against a member of a council for a criminal offence involving the funds or other assets of the council or for any failure to comply with the provisions of the Act, including an election offence, the legislation provides that he shall be suspended from office.

### **Powers of African Councils**

The Minister, in the exercise of his discretion, may confer upon an African council any of the powers accorded to a municipal council or town management board by the relevant legislation, including the same powers of making by-laws and framing tariffs of charges for services rendered or licences issued. He may confer upon the council the powers of a municipality or road council under the Roads and Road Traffic Act (Cap. 289), or of an intensive conservation area committee, under the Natural Resources Act (Cap. 264), including the power to assess and impose taxes; and he may declare that the area shall be regarded as a local authority area under the Fruit and Vegetables (Urban Areas) Act (Cap. 121).

In addition the Minister may confer upon the Council any function which in his opinion is for the general welfare or betterment of the inhabitants of the area. The Act specifically provides that in the exercise of this general power, the Minister shall bear in mind the particular interests of the community concerned, its financial resources, and the topography of the area. The Act also requires that the Minister shall be guided in his decisions by the question of whether any function with which a community is charged is likely to "foster the sense of community", "promote initiative", or "promote the development of the area".<sup>(1)</sup>

Over and above these powers, the Act gives general authority to an African council to provide services, facilities and amenities for its area; to establish and maintain any undertaking for the benefit of the inhabitants; to make grants to educational or other institutions for the benefit of inhabitants; or to arrange for some other agent to provide a needed service. The Act stipulates that in the provision of all such services and functions, an African council shall have regard to any service already being provided by the Government, and makes it lawful for the warrant to require that any undertaking or service specified, shall not be operated at a loss to the council.

The powers which may be ascribed to an African council by warrant, therefore, permit of a wide degree of flexibility and adjustment to local needs, and cover all of the usual functions associated with a local authority, plus additional functions which may be assigned to meet peculiarities in the local conditions of rural African communities. An example of the range of powers of an African council is found in the warrant of the Marandellas council (see Appendix) which makes provision for the following:

- conservation of soil;
- improvement of agriculture;
- paddocking and castration of livestock;
- facilities for milling and shelling produce;
- building of dams, weirs and furrows;
- building of fences;
- provision of public water supplies and prevention of pollution;
- establishment and control of latrines and wash places;
- construction and maintenance of roads, bridges and drains;
- provision of ambulance services, maternity homes, dispensaries, medical posts, outpatients' clinics;

<sup>(1)</sup> Section 53.



assistance to indigent crippled and blind;  
 naming and sign-posting of streets;  
 building, equipping and letting of business premises and dwellings and the general improvement of housing;  
 administration of townships and business centres, postal services and telephones;  
 fire prevention and control;  
 licencing of bicycles and motor vehicles;  
 licencing of dogs;  
 extermination of pests and vermin;  
 provision of recreation and sports grounds, and parks;  
 sponsoring of athletics, sports, music, dancing;  
 provision of bus-stops and shelters;  
 provision of social centres, libraries and reading rooms, rest houses and community halls;  
 services for the improvement of home life generally;  
 grants-in-aid to charities, schools, child welfare, women's and young people's organisations, agricultural and horticultural shows;  
 provision of bursaries, visitors hostels and miscellaneous other services.

### **Rating and Valuation in African Council Areas**

An African council is empowered to impose annual rates subject to the conditions laid down in its warrant. These rates may take the form in terms of the Act of—

- (a) a uniform or graduated or differential rate *per capita* on the male or female or both male and female adult inhabitants of the area;
- (b) a uniform or graduated or differential rate on stock or on buildings in the area belonging to or in the possession or custody of the inhabitants in the area;
- (c) a uniform or graduated or differential rate on the value of any land in the area belonging to an inhabitant or occupied by an inhabitant on a lease or on the basis of communal tenure or otherwise;
- (d) a uniform or graduated or differential rate on the value of any grazing right or farming right held by any inhabitant under the African Land Husbandry Act, 1951.

Provision is made for different rates to be imposed in different parts of the area or on different classes of inhabitants.

The rates may be either on a uniform, graduated or differential basis according to the circumstances of the community. In addition, special rates may be levied for special purposes, covering either the whole or a portion of the area. The level of rates imposed during 1962, varied from less than 10s. in the majority of cases to as much as £14 imposed by one African council in the Native Purchase Area.

Any person may discharge his obligations to an African council in respect of rates, under the Act, by working in some undertaking of the council. In addition, the Act empowers a council to declare that the labour required for a minor undertaking shall be provided by the inhabitants of the area, provided such communal service does not exceed six days in any quarter.

The Act makes provision for the remission, abatement and rescinding of rates in special circumstances.

### **Revenues and Finances of an African Council**

In terms of the African Councils Act, 1957, the revenues of an African council may be drawn from the following: all rates, and moneys from licences, permits, dues, rent, fees or other charges payable to the council in terms of its by-laws; charges or profits arising from undertakings of the council; interest on investments; grants and contributions from the Government, the African Development Fund, the Tribal Trust Land Fund, or the Natural Resources Board; moneys allocated from sums appropriated by Parliament; gifts, contributions, donations, subscriptions and bequests.

The Act lays it down as the duty of every African council to levy such rate as will be sufficient, after other sources of revenue have been taken into account, to meet all expenditures incurred during the year for which the rate is levied. Provision is made for the annual auditing of the accounts of African councils by auditors appointed by the Minister.

The Act insists that officials of the Ministry of Internal Affairs shall at all reasonable times have access to the records and accounts of any African council, for the purpose of examining, and where necessary correcting such records.

### **Regulations for African Council Areas**

The Minister has extensive powers to make regulations for the better carrying out of the objects of the Act. These regulations may cover procedures for application for the establishment of a council; the qualifications required of voters; qualifications of candidates for election; procedures for the nomination of candidates; the appointment and duties of returning officers; conduct of elections; objections and offences in connection with elections; proceedings of the council; conditions of service of employees; duties of officers and employees; allowances and expenses payable to members and employees; conditions of grants and loans to councils; systems of accounting and the framing of estimates; procedures for levying and collecting rates; procedures for contracts and tenders; regulations for the control and supervision or inspection of council works and services; and penalties for the contravention of the regulations.

Explicit provisions of the Act prescribe the duties of chiefs and headmen. Every chief, headman or head of a kraal who exercises authority within the area of a council, is required to assist in publishing by-laws and notices of the council, in the arrest and apprehension of persons contravening the by-laws of the council, in the collection of rates and other payments, and in the prompt supply of labour for minor undertakings.

### **General**

Since the principles of the African Councils Act have been the object of recent publicity, it is appropriate to deal briefly with the effect of this legislation in practice.

The African councils in six years of trial and experiment have passed through various vicissitudes. Eight out of a total of 62 African councils reached in 1961, have gone out of existence, whilst one was resuscitated. A further four, at the end of 1962 were providing no services, and seven more were virtually moribund.<sup>(1)</sup> The remainder, however, appear to have earned some support for their achievements, mainly in the sphere of road construction, provision of schooling, ambulance services and vermin control; and an all-out effort is being made by the Government to encourage their development.

Various reasons are given for the set-backs which have been experienced by the African council system. In a few areas, opposition has been forthcoming from chiefs who have misunderstood the objects of the councils, looking upon them as a threat to their own power. Recent policy decisions have been taken, aimed at a clearer demarcation of function, assigning to the African council responsibility for mundane matters, whilst recognising the chief as spiritual and judicial head, with responsibility for the allocation of land. It is hoped thereby to offset some of the chiefs' fears. Some areas in which African councils have been set up have been virtually too small to allow of a sufficient income from rates to finance effectively any large-scale project. In other cases, African councils have met with opposition from the local farmers' associations, which have resented the expenditure of land-development allocations being vested in the African councils. In still other areas, the success of the Natural Resources Board in stimulating the establishment of local intensive conservation area committees, non-taxing bodies liberally subsidised by the Board, has led inadvertently to the weakening of support for the rate-inflicting African council, and the undermining of its influence. In many areas, resistance to councils on the part of the people has been manifested in increasing difficulty in collecting council rates.

Top officials attribute the decline of the councils largely to the fact that development by the central government went ahead whether a council existed or not, and little incentive has remained for the local community to develop its own services. An added difficulty has been the accident of timing whereby district commissioners were called upon to launch the African Councils Act almost simultaneously with the provisions of the unpopular Land Husbandry scheme. This meant that while the district commissioner on the one hand was required to exercise skilled public relations in interpreting the unfamiliar provisions of the new African councils plan, he had at the same time the task of enforcing the law in relation to husbandry.

<sup>(1)</sup> Figures from the Ministry of Internal Affairs.



This latter measure, whilst designed to restore the productivity of a depleted agricultural system, cut across tribal customs and engendered bitter resentment among many rural Africans who were unable to accept the need for de-stocking, re-allocation of traditionally-owned land, and restriction on its sub-division and hereditary transfer. In December, 1962, the Ministry was released from extraneous responsibilities for agricultural extension and conservation, tax-collecting and judicial functions, with the transfer of these duties to the appropriate specialist departments. It has now been freed to concentrate its main attention upon the development of a network of African councils throughout the rural areas of the country.

Regardless of the problems that have been encountered in the implementation of the African Councils Act, three recent commissions of enquiry, namely the Robinson,<sup>(1)</sup> the Paterson,<sup>(2)</sup> and the Mangwende<sup>(3)</sup> Commissions, have commended this legislation.

<sup>(1)</sup> SOUTHERN RHODESIA. First report of the Commission of inquiry into the organisation and development of Southern Rhodesia public services 1961. Salisbury, Government printer, 1961. (CSR 9—1962) pp. 200—201. Chairman: T. T. Paterson.

<sup>(2)</sup> SOUTHERN RHODESIA. Report of the Commission appointed to inquire into and report on the administrative and judicial functions in the native affairs and district courts departments. Salisbury, Government printer, 1961 (CSR 22—1961) p. 51. Chairman: V. L. Robinson.

<sup>(3)</sup> SOUTHERN RHODESIA. Report of the Commission of inquiry into discontent in the Mangwende reserve. Salisbury, Government printer, 1961. Pars. 109-114. Chairman: James Scott Brown.

## **PART V**

# **THE CONTROL EXERCISED OVER LOCAL AUTHORITIES AND EXTENSIONS OF GOVERNMENT**

## **THE CONTROL EXERCISED OVER LOCAL AUTHORITIES**

The legislation relating to local government in Southern Rhodesia grants the Government and statutory boards varying degrees of control over local authorities, depending upon the size and status of the local body. This control is exerted mainly through the right to influence the composition of the local authority; the right to assign its powers and functions; the right to make regulations directly governing its operations; and finally the right to supervise and control its financial transactions.

It will be seen that as the local authority moves up the scale, from local committee to municipality, it is subject to less detailed forms of control and supervision becomes more generalized. In the case of African councils, the pattern is repeated; the flexibility of the legislation permits of a close degree of supervision in the early stages, which gradually diminishes as the council aspires towards autonomy.

### **Control Over Local Committees**

The local committee, at the lowest end of the scale, is under close Government control. Its members are appointed by the Governor, after sounding public opinion in the area, and hold office at his pleasure. He has an absolute discretion, within the limits of the Local Government Act, in the powers and functions which he may assign to a local committee, and all matters which in a larger authority would be governed under by-law, are controlled in terms of regulations which the Governor frames.

### **Control Over Local Boards**

In the case of local boards, the degree of control diminishes with the board's progress in handling its own affairs but remains detailed throughout the board's existence. The Governor determines what number of persons shall be appointed by him and what number elected by the local community. Appointed members hold office at his pleasure. After a local board has been operating successfully for a time, appointed members may be discontinued with the Governor's approval, and the board allowed to consist exclusively of elected personnel. The Governor initially appoints the chairman of a local board until such time as all members of the board are elected persons, when it is in a position to elect its own chairman.

The assignment of powers to a local board is at the discretion of the Minister of Local Government, from a wide range of functions ordinarily accorded to a town management board. The Minister may add to the functions assigned from time to time as the local board gains in experience and ability to take on more responsibility. All by-laws passed by a local board are subject to the approval of the Governor and may be approved, disapproved, amended or repealed by him.

As in all local authority control, the Government is closely concerned with the raising and expenditure of public monies. Stringent observance is demanded of the legislative provisions relating to the maintenance of proper books of account, the submission of annual statements of revenue and expenditure to the Secretary for Local Government, the submission of annual estimates for the approval of the Minister, and provision for the accounts of the board to undergo annual audit.

In the levying of rates and making of charges for services, all decisions of the local board are subject to the Minister's consent. Finally, the Governor has wide authority for the making of regulations directly controlling the activities of local boards, including regulations pertaining to the keeping of a voters' list, voters' claims and objections, the appointment and duties of returning officers, election offences, methods of accounting, the preparation and submission of estimates, maintenance of reserve and depreciation accounts, the levy and collection of rates, valuations for rate assessment, the framing of a valuation roll and objections to it, and incidental matters.



Where a local board has failed to pay any sum due in respect of a loan, or where a deficit of the board has to be met, the Minister has the right to levy a special rate on the inhabitants of the board area. Loans for the provision of undertakings purchase of land or other objects, may only be raised by a local board when the Minister, in consultation with the Minister of the Treasury, has given his approval to the source, manner of raising, purpose and conditions of granting such loans.

### **Control Over Town Management Boards**

In the case of a town management board, the Minister determines the number of persons who may be appointed to the board from time to time, provided the number is not less than six nor more than twelve.

The powers of a town management board cover a wide range laid down in the second schedule to the Act. But unlike the case of smaller local authorities, the implementation of these powers is at the town management board's discretion. The board may pass by-laws for the better execution of any of its powers, and all such by-laws are subject to the approval of the Governor, who has the right at any time to repeal any by-law, regulation or rule in force in a board area.

Again, careful provision is made for controlling the raising and expenditure of public funds. In terms of the Act, true accounts must be kept of the board's transactions in a form directed by the Minister. Copies of all annual statements of account and estimates of expenditure must be forwarded to the Minister for his approval, and he may, if he considers it desirable refer them to the Controller and Auditor-General for further examination and enquiry. Loans to finance works and undertakings, for the purchase of land, or for other capital expenditure may only be raised with the approval of the Minister. All mortgages, overdrafts and investments are subject to the Minister's consent, unless in the latter case investment is made in bank or government loans.

The maximum rates which may be levied by a town management board are specified in the Act, but different rates for different classes of property or supplementary rates to meet unforeseen expenditure, may only be levied with the Minister's authority. The act specifically provides that the Minister may make annual grants to town management boards, which suggests conformity on the part of the boards with requirements the Minister may lay down.

Every town management board is required under the Act to appoint a valuation officer to make any valuations of property for rate assessment purposes, and disputes are referred to a valuation court which is appointed by the Minister. The court consists of four persons, the president and one other being selected by the Minister, and two persons chosen by the board.

The Minister has the power under the Act, to appoint one or more persons to hold an enquiry, call witnesses and take evidence in connection with any matter arising out of the provisions of the Act, and the local authority is required to place all books, documents, records and other sources of information at the disposal of such enquiry.

The regulations which may be made by the Minister in regard to town management boards are more limited in range than those applicable to smaller local authorities, but cover nevertheless the procedure for appeals by voters against omissions from the voters' roll; the conduct of elections; the appointment of special committees; and a general authority to make regulations for the better performance of the functions of the boards. Special powers are accorded the Minister in connection with sewerage works and footpaths. Where objections are laid to the former, the Minister may order an enquiry to settle the dispute. In the case of footpaths where half the expense is to be borne by the owners of land abutting on the portion concerned, the Minister's authority must be sought for the execution of the work.

### **Control Over Municipal Councils**

In the field of municipal government, state control is of a still more general nature. In the early years of a municipal council, the mayor may be appointed by the Governor. On application of twenty-five persons qualified to vote, however, the mayor may call a meeting to decide whether in future the office is to be filled by nomination by the Governor, or by election of one of the councillors from among themselves.

A municipal council may only act, however, in accordance with its express powers or upon a reasonable implication from them. Thus expenditure not falling within these limits may only be incurred upon a determination of the Governor. Councils have a general power to

make by-laws for "maintaining the good rule and government of the municipality."

The powers and authority of a municipal council in an extensive range of functions are clearly defined in the Municipal Act, and for the most part it is at the discretion of the Council and according to the needs and resources of the community, the extent to which these functions are carried into effect. There are certain directions, however, in which the intervention of the Minister may be exercised. For example, where an objection is made by the owner of property to proposed sewerage works, the Minister may order an enquiry to be undertaken. Where the council deems it expedient in the interests of the municipality to execute street works, it must apply to the Minister for authority and any objections by property owners must be considered by the Minister before his consent may be given. Similarly, in the construction of footpaths, where half the expenses are borne by the owners of land abutting on the area concerned, prior authority for the work must be obtained from the Minister.

As in the case of other local authorities, by-laws made by a municipal council for the better carrying out of its functions, acquire the force of law only after they have been submitted for the approval of the Governor, and may be repealed by him at any time.

Conventional methods of control are practised over the finances of municipalities. The Act requires proper books to be kept, open to examination by members of the council, rate-payers or creditors. Annual statements of revenue and expenditure and balance sheets must be prepared for audit as prescribed. Two auditors are appointed in terms of the Act, one by the municipal council, and one by the Minister. Audited statements of account must be left open to inspection at the office of the council. The auditors are given the power to make casual or special audits, either on their own initiative, or on requirement by the mayor or Governor. In addition the Governor has the right to appoint some person to examine the accounts of any municipality. The Act does not specifically require the drawing up of annual estimates of revenue and expenditure, but this is provided for by the internal regulations of the municipalities, and copies of annual abstracts of accounts are forwarded to the Secretary for Local Government as a matter of routine.

In the annual levy of rates, the Act stipulates a maximum amount beyond which the rate may not be raised. No rate which exceeds this amount, and no special rate for particular undertakings may be levied without prior notice to the ratepayers who may demand that the matter be referred to a poll. The municipality, unlike other authorities, is therefore autonomous in the matter of rating.

The provisions of the Act relating to valuation of property for assessment rate purposes, provide that the municipality may appoint a valuator to carry out this work, but any disputes arising out of such valuation are to be settled by a valuation court appointed by the Governor and consisting of a president and one other person chosen by him, and two councillors of the municipality.

Control is exerted under the Act over the raising of loan monies for undertakings of municipal councils. The assent of the Governor is required wherever the loan debt of the municipality exceeds in value one-sixth of the total rateable property in its jurisdiction. In practice, the application of this section is considerably relaxed where the money to be borrowed is for a remunerative undertaking. Once again the municipality enjoys a degree of autonomy not accorded to town management boards. The intention of the council to borrow money within the limits laid down by the Act, needs no sanction, but is subject only to objection by ratepayers, any twenty of whom may demand that the matter be subjected to a poll. In the case of a town management board, all propositions for the raising of loan monies are subject to prior approval by the Minister. Surplus municipal loan monies may be invested in gilt-edged securities specified under the Act, while mortgages and overdrafts may be arranged without, as in the case of a town management board, consent from the Minister.

Municipalities, unlike other local authorities in Southern Rhodesia, are the owners of all unalienated land within their areas of control, as the result of liberal grants of land dating back to the rule of the British South Africa Company. However, the Government exerts some measure of control over the disposition of municipal land through the proviso made by the Municipal Act that a municipal council shall obtain the consent of the Minister to the disposal, alienation, or giving away of any part of the pasture or other lands vested in it. The Government is entitled to ten per cent of the land for public purposes.

One special direction in which municipalities have a greater freedom from control than town management boards, is in the provision of bus services. Whereas town management



boards are empowered only with the consent of the Minister to establish, maintain or contract for the provision of omnibus services, municipal councils are unrestricted in the provision of bus-services except where an arrangement is made to conduct such services beyond the limits of the municipal area, when the consent of the Governor becomes necessary.

### **Control Over African Councils**

The degree of control exercised over African councils varies from time to time, council to council and district to district. It has been stated that it is the Government's intention to provide intensive supervision only in the early years of a council's development when substantial financial and other help may be required, gradually tapering off this control as the council is able to assume greater autonomy in its own affairs.

In pursuance of this policy, the Minister of Internal Affairs is given extensive powers under the African Councils Act. He may confer upon an African council any or all of the powers which may be vested in a town management board or municipal council. These powers he is required to exercise after evaluating the needs, interests, financial and other resources of the community concerned. The powers of an African council and the degree of control exercised by the Government are written into its warrant, which may make provision for the number of councillors to be elected; methods of election; qualifications of voters and candidates; powers of the African council; its ability to pass by-laws; the system of rating to be followed; maximum and minimum rates; the appointment and duties of officers; the preparation of estimates and other matters. The warrant is issued by the Secretary for Internal Affairs, who may revoke or amend it at any time.

The district commissioner is ex-officio president of every African council within his district. In this capacity, however, his powers are advisory only, and he may not vote at meetings of the council. The Provincial Commissioner may appoint an official as deputy president. Every chief, unless specifically excluded in terms of the warrant, is ex-officio a vice-president of any council within whose area he holds office. The president is chairman of the council, unless otherwise provided in the warrant, and the vice-chairman may either be appointed by the president, or elected by members and vice-presidents from amongst themselves.

The Act further provides that the Minister, Secretary for Internal Affairs or any person nominated by him, and the provincial district commissioner may attend any meeting of an African Council or African council committee, and may speak at such meeting but not vote.

The power to impose rates is prescribed in general terms in the Act, and more specifically in the warrant issued to the African council. The Minister, however, has the power to rescind any rate, whether annual or special, and this may be done with retrospective effect if the Minister so directs. All monies received in respect of such rate must be refunded to the ratepayer. Any arrangement permitting of the payment of rates due on a monthly, quarterly or half-yearly basis requires the prior approval of the Secretary for Internal Affairs. Should an African council fail to pay any sum due either in interest or repayment of any loan, the district commissioner, with the approval of the Minister, may levy in the area, a rate sufficient to yield the amount required.

The Minister may make regulations relating to: the making of grants and loans to African councils; methods of accounting for revenue and expenditure; the establishment and maintenance of reserve, depreciation and other funds; procedures for rate-levying and valuations; procedures in calling for tenders and entering into contracts.

Every council is required to prepare an abstract of accounts at the close of each financial year, for submission through the district commissioner to the African Councils Board, together with estimates of revenue and expenditure for the succeeding year. Where estimates are not required under the council's warrant, expenditure may only be incurred on resolution of the council and with the approval of the district commissioner, and the cash book, showing the balance in hand, must be produced at every meeting. The investment of council monies requires the approval of the Minister and the recommendation of the Board, which may also require the African council to establish certain reserve, depreciation and other funds to be used only for such purposes as may be authorised by the Board.

The Minister is empowered to appoint an audit officer with responsibility for auditing the books of account of every African council each year, and for undertaking casual audits as directed by the Minister. Where the audit officer finds any irregularity, the Act requires the

African council to inform the Board of the nature of action taken. All audited statements of account must be submitted by the audit officer to the district commissioner and the African Councils Board. The Act makes special provision for Government officers to be given access at all reasonable times to the records and accounts of any African council, for the purpose of examining, checking, and if necessary, correcting them.

In addition to his power to make regulations concerning the financial transactions of African councils, the Minister has wide power for regulating their general operation. For the better carrying out of the objects of the Act he may make regulations governing: procedures for the establishment of an African council; the qualifications of voters and councillors; methods of nomination and election of African councillors; appointment and duties of returning officers; the settlement of objections and disputes; election offences; proceedings of an African council; duties, appointment and conditions of service of council officers and employees; allowances and expenses for members of the council; and generally for the control and inspection by officers of the public service of works and undertakings under construction by an African council. Different regulations may be made for different councils and different areas.

## EXTENSIONS OF GOVERNMENT: THE SUPERVISORY DEPARTMENTS

An outline has been given of the various forms of control exerted over local authorities in Southern Rhodesia and it is necessary to indicate those sections of the Government which are responsible for exercising this administrative supervision and for acting as the instruments of authority between the Governor or Minister on the one hand, and the local committee, local board, town management board, municipality or African council, on the other. Broadly, all responsibility for administering local government legislation in the urban and European areas lies with the Ministry of Local Government. Legislation relating to local government in the African rural areas is the responsibility of the Ministry of Internal Affairs. The two Ministries are at present linked through a single Cabinet Minister, who holds simultaneously both the portfolio of Minister of Local Government and the portfolio of Minister of Internal Affairs.

### The Ministry of Local Government

In 1946, a Department of Local Government was set up in Southern Rhodesia to serve as a liaison between local authorities and the Government. In 1954, it was combined with other departments under the Division of Justice, Internal Affairs and Housing, becoming a separate Division of Local Government and Housing in 1957, and the Division of Local Government in 1958. During 1962, as a result of the re-grouping of departments within new Ministries following on the recommendations of the Paterson Commission,<sup>(1)</sup> the Ministry of Local Government was re-formed with responsibility for administering the following—

- Cemeteries Act (*Cap.* 118)
- Burial and Cremation Act (*Cap.* 171)
- Local Authorities Pensions Act (*Cap.* 123)
- Local Government Act (*Cap.* 124)
- Municipal Act (*Cap.* 125)
- Town and Country Planning Act (*Cap.* 133)
- Town Management Act (*Cap.* 134)
- African (Urban Areas) Accommodation and Registration Act (*Cap.* 110)
- Native Urban Locations
- Norton Industrial Township
- Services Levy Act (*Cap.* 78)
- Stands (Crown Land Townships) Office;
- Urban Crown Lands and Government Land Committee;
- Land Apportionment Act, 1941 (*Cap.* 257), in so far as it relates to matters—
  - (i) affecting land within the area under the jurisdiction of a local authority;
  - (ii) affecting the African Townships Area;

<sup>(1)</sup> SOUTHERN RHODESIA. First report of the Commission of inquiry into the organisation and development of the Southern Rhodesia public services 1961. Salisbury, Government printer, 1961 (CSR 9—1962).  
Chairman: T. T. Paterson.



- (iii) affecting the provision of accommodation for African employees, and any township established by statutory commissions;

Establishment of new Government Townships under the Land Apportionment Act, and the administration of existing Government Townships.

In addition, with the transfer in 1962 of the Department of Housing and Department of Public Works (previously the Department of Engineering and Construction) to the Ministry of Local Government, it became responsible for the administration of the Housing and Building Act (*Cap.* 151) and the functions of the Public Works Department.

The Ministry serves as a central channel through which all matters pertaining to urban local government in the country may be co-ordinated and representations directed from local authorities to the Government. The Ministry provides technical advice on the development and standardisation of services, and all draft by-laws, copies of estimates, applications for loan monies, draft town planning schemes and other material, which by statute must be submitted to the Governor or Minister for approval, are transmitted through, examined by and reported upon by this Ministry.

The Ministry is under the direction of the Secretary for Local Government and Housing, and is divided into two main sections. These come under the control, respectively, of a Deputy Secretary who is responsible for housing, valuation, estates and public works; and a Deputy Secretary in charge of African housing, local government and town planning. The Ministry operates through a headquarters office which is situated in Salisbury, and in so far as it is possible to decentralise its functions, through three regional offices in Bulawayo, Gwelo and Umtali.

#### *The Government Loan Pool*

Local boards, town management boards and municipal councils are empowered under the various Acts, to borrow money with the approval of the Government. Since 1947, the raising of loans for local authorities has been centralised in a single Government loan pool, administered by the Ministry of Local Government, through which all loan monies for local government development are channelled. This has led on the one hand to the more equitable distribution of the available loan capital, and on the other, to a levelling of interest rates. Two exceptions to the rule providing for the central raising of loans were granted, in the case of the Salisbury and Bulawayo municipalities, each of these Councils being allowed for convenience to float an annual loan up to the maximum value of £750,000, on the open money market. Such amount was taken into account by the Government in making its loan allocations. For the past two years, however, due to the lack of availability of loan funds, these two cities have had to depend purely upon the Government allocation in the same way as other local authorities. The following amounts have been allocated in loans to local authorities through the Government loan pool in recent years:—

LOANS TO LOCAL AUTHORITIES									
1958/59	..	..	..	..	..	..	..	..	£2,700,000 <sup>(1)</sup>
1959/60	..	..	..	..	..	..	..	..	£1,800,000
1960/61	..	..	..	..	..	..	..	..	£800,000 <sup>(2)</sup>
1961/62	..	..	..	..	..	..	..	..	£1,097,000 <sup>(3)</sup>

#### *The Local Government Advisory Committee*

The Ministry of Local Government works in close co-operation with two non-statutory bodies, the Local Government Advisory Committee and the Local Government Association.

The Minister of Local Government in the debate on the second reading of the Local Government Bill in 1960,<sup>(4)</sup> proposed the setting up in consultation with the Municipal Association, as it was then called, of a consultative committee to advise on the implementation

<sup>(1)</sup> SOUTHERN RHODESIA. Report of the Secretary for local government for the year ended 31st December 1960. Salisbury, Government printer, 1961 (CSR 17—1961) p. 4.

<sup>(2)</sup> SOUTHERN RHODESIA. Report of the Secretary for local government for the year ended 31st December 1961. Salisbury, Government printer, 1962 (CSR 30—1962) p. 9.

<sup>(3)</sup> Information from the Ministry of Local Government.

<sup>(4)</sup> SOUTHERN RHODESIA. Report of the Secretary for local government for the year ended 31st December 1961. Salisbury, Government printer, 1962 (CSR 30—1962) p. 11.

of the Bill. The suggestion that the board should be incorporated under the statute was not adopted, but in furtherance of the Minister's proposal, the Local Government Advisory Committee was set up in July, 1961, as an independent body. Appointments to the Committee are made by the Minister and members consist of seven private citizens, who are selected for their knowledge of local government conditions. The Report of the Secretary for Local Government for the year 1961, lists the initial functions of the Committee as follows—<sup>(1)</sup>

To examine and report upon:

- (i) the Local Government Act with a view to the elimination of any defects, and the introduction of safeguards where necessary;
- (ii) the application of the Highfield Management Board (representing inhabitants of Highfield African Township) for the creation of a local board at Highfield in terms of the Local Government Act;
- (iii) any future applications for local authority status by other African townships;
- (iv) the establishment of local authorities best suited to the needs of inhabitants of areas where there is no form of local government;
- (v) the adequacy or otherwise of existing forms of local government in existing local authority areas; and
- (vi) the status of future metropolitan areas.

#### *The Local Government Association*

In matters of routine, the Government deals directly with the local authority concerned, but all questions of general policy as they affect local government in Southern Rhodesia, are automatically referred by the Ministry of Local Government to the Local Government Association (formerly the Municipal Association), for consideration and comment.

This is a voluntary association representative of all municipalities and town management boards throughout the country. One of its major functions is to consider draft legislation pertaining to local government, and to make representations thereon to the Government before such legislation becomes law. The Local Government Association, in turn, may initiate action for needed changes in the law. The Association generally acts as the mouthpiece of local authorities in the country, provides a forum for the discussion of common problems and the exchange of experience, and promotes co-ordination in local government affairs. It is regarded by the Division of Local Government as "the main medium for the consideration of policy matters as between local authorities and the Government."<sup>(2)</sup>

The Association has a full-time secretariat located in Salisbury.

#### **The Ministry of Internal Affairs**

The Constitution of 1923 centralised the administration of all African affairs, including urban and rural local government, in the Department of Native Affairs. In July, 1961, the Department of African Housing and Administration was transferred from the Ministry of Native Affairs to the Ministry of Local Government, which for the first time became responsible for urban African as well as European local government in Southern Rhodesia.

In 1962, the recommendations of two important commissions, the Paterson Commission, and Robinson Commission, led to a plan for re-organisation to eliminate all differentiation in departments, based purely on race. This plan provided for any duties of the Native Affairs Department which could appropriately be carried out by specialist departments, to be transferred by gradual stages to them. A Circular Minute issued by the Secretary for Internal Affairs<sup>(3)</sup> outlined the proposed changes. As from the 8th November, 1962, the Minister of Native Affairs became the Minister of Internal Affairs, and the Department of Native Affairs became the Department of Internal Affairs. A Government Notice published on the 16th November, 1962, made provision for the following personnel—

Secretary for Internal Affairs,  
Deputy Secretary for Internal Affairs,

<sup>(1)</sup> Ibid. p. 12.

<sup>(2)</sup> SOUTHERN RHODESIA. Report of the Secretary for local government for the year ended 31st December 1958. Salisbury, Government printer. 1959 (CSR 24—1959).

<sup>(3)</sup> OFFICE OF THE SECRETARY FOR INTERNAL AFFAIRS. Circular Minute, No. 111/62, dated the 12th November, 1962.



Provincial Commissioner,  
District Commissioner, and  
District Officer.

These titles were intended to replace the old nomenclature of provincial native commissioner, native commissioner, assistant native commissioner, and so on, and were subsequently given statutory effect by the African Affairs Amendment Act, No. 22 of 1963.

The Circular explained the legal mechanism of the change-over, which was to take effect in terms of the General Administration Act of 1962 (*Cap. 63*). Under this Act, the Governor is empowered to transfer the powers, duties or functions imposed or vested in any specified officer, to any other officer in the public service, and to make any necessary consequential amendments in the law that might arise. Both transfers of function and amendments in the legislation were to be put into effect by means of Governor's Orders published in the Gazette. The Circular emphasised that it would be some time before the re-organisation would be complete.

By the end of 1962, the following functions had been transferred: African agriculture had been taken over by the Ministry of Native Agriculture (now the Ministry of Agriculture); the sub-department of Native Lands had been transferred to the new Ministry of Lands and Natural Resources; criminal jurisdiction powers had been handed over to the Ministry of Justice; and districts accounts offices had been opened, under the control of the Secretary to the Treasury, to handle revenue and accounting.

At the same time, the new Ministry of Internal Affairs assumed responsibility for a large number of functions which had been the responsibility of the Internal Affairs section of the former Department of Justice and Internal Affairs, including the registration of births, marriages and deaths; the registration of voters; licensing of traders; registration of names and badges; the administration of the Betting Act, Pools Licence and Control Act, and a number of other Acts.

The main functions of the old Native Department which remained vested in the Ministry of Internal Affairs included the administration of the—

- African Affairs Act (*Cap. 92*)
- African Councils Act (*Cap. 95*)
- Council of Chiefs and Provincial Assemblies Act (*Cap. 111*)
- African Registration and Identification Act (*Cap. 109*)
- African Tribal Trust Land Forest Produce Act (*Cap. 115*)
- African Cattle Marketing Act (*Cap. 94*)
- African Development Fund Act (*Cap. 96*)
- African Marriages Act (*Cap. 105*)
- African Beer Act (*Cap. 93*)
- African Wills Act (*Cap. 108*)
- African Law and Courts Act (*Cap. 104*)

In effect, therefore, the Department is responsible for administering all Tribal Trust Lands and Native Purchase areas, including matters concerning district and local government, African economics and marketing, and afforestation—in addition to miscellaneous general functions.

A major objective of the re-organisation is the freeing of district commissioners for concentration upon that portion of their work launched by a former Government and one of the foremost objectives of the present Government, concerned with the development of a network of local authorities throughout the rural areas of the country, through the medium of African councils and the application of community development principles.

The Ministry is under the direction of the Secretary for Internal Affairs, assisted by two Deputy Secretaries, for Development and Administration, respectively, and three Under-Secretaries, for Economics and Marketing, Administration, and Community Development. The Ministry operates through a headquarters office in Salisbury, with seven provincial and fifty district offices distributed throughout Southern Rhodesia.

### **The Proposed Division of Southern Rhodesia into Provinces**

The Paterson Commission commented in 1962, on the need for co-ordination in the methods of decentralising Government services in Southern Rhodesia. The Commission in the course of its enquiries found that for the purposes of better internal organisation, various

Ministries had decentralised their offices in "provinces", "regions", "divisions", "circles", or other sections, which bore no relation to the system of decentralisation in use by other Ministries. These divisions, whilst appropriate enough to the needs of the department concerned, led to confusion in the public mind, and inefficiency in the overall government administration. The Commission recommended that, "for the optimum co-ordination of service to Rhodesia's public, some form of systematic distribution of provincial service centres be considered . . . It is time that Rhodesia began to be partitioned off into its sub-units necessary for its proper administration."<sup>(1)</sup> The proposal envisaged a central regional office established at headquarters in each province, by every Government Department that lent itself to decentralisation.

It was largely in pursuance of this and other recommendations of the Commission, that the Government promulgated, in October, 1962, the General Administration Act of 1962 (*Cap. 63*). Amongst other provisions, this Act empowers the Governor to divide the country into whatever provinces, districts and sub-districts he may deem necessary for general administrative purposes. Simultaneously with the promulgation of the Act, a Government Notice was published in the Gazette notifying the Government's intention of dividing the Colony into seven Provinces "with the ultimate aim of achieving administrative economy".<sup>(2)</sup> The notice stated that it was the Government's intention to apply the scheme throughout the administration wherever the functions of a given Department would permit. The scheme was to take effect by degrees, and provision was made for certain departments which would not be able to fit in with the new boundaries immediately to work through their existing divisions until the changeover could be made without disruption in service.

The tentative boundaries for the new provinces were defined on a map showing the proposed headquarters for each province. The provinces and headquarters proposed were—

PROVINCE	HEADQUARTERS
North Mashonaland	Sinoia
South Mashonaland	Salisbury
Midlands	Gwelo
Manicaland	Umtali
Victoria	Fort Victoria
North Matabeleland	Bulawayo
South Matabeleland	Gwanda

Interested persons were invited to lodge observations on the proposals with the Secretary to the Prime Minister by the 11th January, 1963. In May, 1963, however, before final consideration of these observations had been completed, it became necessary due to legal difficulties concerning the jurisdiction of magistrates and district commissioners, for an interim division of the country into the provinces proposed, to be put into effect. The tentative boundaries were adopted as a temporary measure, but no changes were made either in the placement of Government personnel, siting of offices, or in the functions of the existing provincial and district organisations. The final definition of the seven Provinces of Southern Rhodesia has still, therefore, to be completed. It is not possible at this stage to gauge the effect which provincial administration will have, if any, upon the system of control and supervision exercised over local authorities by the Ministry of Local Government. The seven provinces into which African districts under the administration of the Department of Internal Affairs, are divided were brought into line with the proposed new provincial divisions on the 1st December, 1962. The following is a list of the fifty African districts falling under the revised provinces:—<sup>(3)</sup>

MASHONALAND NORTH	MASHONALAND SOUTH
Urungwe	Mtoko
Sipolilo	Mrewa
Lomagundi	Goromonzi
Shamva	Marandellas
Bindura	Wedza
Mazoe	Salisbury
Darwin	Hartley
Kariba	Gatooma

<sup>(1)</sup> *Op. Cit.* p. 88—89.

<sup>(2)</sup> SOUTHERN RHODESIA. Official Government Gazette. Southern Rhodesia notice no. 1167 of 19.10.62.

<sup>(3)</sup> Information from the Ministry of Internal Affairs.



MATABELELAND NORTH

Binga  
Bubi  
Bulalima-Mangwe  
Bulawayo  
Lupani  
Nkai  
Nyamandhlovu  
Wankie

MATABELELAND SOUTH

Belingwe  
Shabani  
Beitbridge  
Gwanda  
Insiza  
Matobo  
Mzingwane

MANICALAND

Buhera  
Chipinga  
Inyanga  
Makoni  
Melsetter  
Umtali

MIDLANDS

Chilimanzi  
Charter  
Gokwe  
Gwelo  
Que Que  
Selukwe

VICTORIA

Bikita  
Chibi  
Gutu  
Mashaba

Ndanga  
Nuanetsi  
Victoria

## STATISTICS

In order to provide an indication of the extent of local government development in Southern Rhodesia, some statistics follow of the number, size and work of local authorities.

### STATISTICS OF URBAN AUTHORITIES AND MUNICIPALITIES

#### Local Committees, Local Boards, Town Management Boards, Municipalities

The following list, taken from the Annual Report of the Secretary for Local Government and Housing for the year ended 31st December, 1962,<sup>(1)</sup> shows the number of municipalities, town management boards, local boards and local committees in Southern Rhodesia at that date—

#### *Seven Municipalities*

Bulawayo  
Fort Victoria

Gatooma  
Gwelo

Que Que  
Salisbury  
Umtali

#### *Twenty-five Town Management Boards*

Banket  
Bellevue(B)  
Bindura  
Burnside(B)  
Chipinga  
Enkeldoorn  
Greendale(s)  
Gwanda

Hartley  
Hatfield(s)  
Highlands(s)  
Mabelreign(s)  
Marandellas  
Meyrick Park(s)  
Mount Pleasant(s)  
Northvale(B)

Plumtree  
Richmond(B)  
Rusape  
Selukwe  
Shabani  
Sinoia  
Umvuma  
Waterfalls(s)  
Waterford(B)

#### *One Local Board*

Penhalonga

#### *Five Local Committees*

Essexvale

Karoi  
Melsetter

Odzi  
Victoria Falls

(B) Popularly regarded as part of the Greater Bulawayo area.

(s) Popularly regarded as part of the Greater Salisbury area.

The size and wealth of municipalities and town management boards in Southern Rhodesia are reflected in the following Table, adapted from the same report—

<sup>(1)</sup> Op. Cit. pp. 11 and 17.



**SOUTHERN RHODESIA**  
**THE SIZE AND WEALTH OF MUNICIPALITIES AND TOWN MANAGEMENT BOARDS (T.M.B.'s), 1962<sup>1</sup>**

(a) Municipality (b) T.M.B.	Population		Africans (Municipal Figures Exclude Peri-urban T.M.B.s)	Total Loan Debt at 30th June, 1962	Rateable Value		Assessed Rate Income	Gross Income General Revenue Account	Gross Income African Revenue Account
	European	Coloured and Asian			Land	Improve- ments			
(a)					£	£	£	£	£
Bulawayo	45,000	4,000	151,130	22,065,167	28,322,199	59,624,355	540,631	3,385,406	658,238
Fort Victoria	2,200	250	7,900	569,699	541,495	2,580,285	20,911	174,005	30,618
Gatooma	2,150	260	12,660	795,560	665,841	2,466,210	30,932	227,353	56,397
Gwelo	6,689	550	33,270	3,770,361	2,820,001	7,063,580	104,287	689,753	103,659
Que Que	5,950	620	14,060	1,271,731	651,795	2,125,210	38,696	356,664	19,238
Salisbury	45,310	4,920	184,920	30,133,615	49,474,050	74,864,778	1,769,121	7,376,547	822,927
Umtali	8,150	800	32,770	3,206,180	2,287,990	9,462,520	1,22,079	731,756	139,319
<b>TOTAL</b>	<b>115,449</b>	<b>11,400</b>	<b>436,710</b>	<b>61,812,313</b>	<b>84,763,371</b>	<b>158,186,938</b>	<b>2,626,657</b>	<b>12,941,484</b>	<b>1,831,396</b>
(b)									
Banket	190	13	1,740	11,467	34,620	283,070	1,502	4,045	
Bellevue	1,940	Nil	670	19,342	277,990	1,151,601	9,179	27,321	
Bindura	430	14	3,000	43,107	33,845	326,240	2,938	3,600	
Burnside	783	Nil	900	22,614	1,100,000	—	6,312	38,981	
Chipinga	285	20	1,440	40,934	55,705	300,640	2,880	10,095	
Enkeldoorn	200	55	1,300	15,676	67,815	208,985	1,761	8,124	
Greendale	5,680	40	5,280	186,416	3,635,485	—	39,580	105,418	
Gwanda	360	51	5,380	6,708	70,090	519,090	1,408	5,116	
Hartley	680	30	6,460	232,905	201,955	1,123,170	8,268	37,993	
Hatfield	6,210	40	5,740	278,432	2,126,166	—	47,009	118,837	
Highlands	7,000	Nil	8,160	153,909	5,976,085	10,001,510	51,880	126,207	
Mabefrain	7,000	Nil	4,360	163,156	1,509,795	5,885,160	52,400	110,980	
Marandellas	1,670	17	5,330	206,372	366,315	1,806,360	11,904	40,490	
Meyrick Park	456	Nil	360	10,893	24,600	—	2,564	8,797	
Mount Pleasant	3,540	Nil	2,750	5,409	2,136,970	—	22,500	67,706	
Northvale	1,100	20	900	27,917	265,025	—	6,704	14,290	
Plumtree	677	20	1,090	3,726	78,335	526,100	4,150	6,472	
Richmond	630	Nil	920	43,000	196,455	—	4,725	2,949	
Rusape	750	190	3,060	50,690	132,636	757,026	6,038	19,800	
Selukwe	320	70	2,600	23,930	82,605	463,640	2,005	22,712	
Shabani	510	40	2,990	212,866	105,555	778,340	19,617	40,161	
Sinolia	1,100	200	6,660	108,032	148,050	1,108,185	13,222	37,295	
Umvuma	1,120	40	1,540	3,162	27,275	139,765	977	5,350	
Waterfalls	5,100	840	4,240	172,019	1,407,010	—	33,400	91,595	
Waterford	600	Nil	310	39,817	92,725	526,270	2,970	4,565	
<b>TOTAL</b>	<b>47,331</b>	<b>1,720</b>	<b>77,180</b>	<b>2,082,499</b>	<b>20,153,107</b>	<b>25,875,152</b>	<b>355,893</b>	<b>958,899</b>	

<sup>(1)</sup> SOUTHERN RHODESIA. Annual report of the Secretary for local government and housing, 1962. Salisbury, Government printer (CSR 17—1963) pp. 16-17.

## AFRICAN TOWNSHIPS<sup>(1)</sup>

African townships are operated by every municipality and town management board in Southern Rhodesia, a total of 32 local authorities in all. The African townships for one local board and five local committees are administered by those authorities on a caretaker basis on behalf of the Government. In addition there are twenty-two Government-operated African townships in the following areas, giving a total of 28 legally under Government administration:

Amandas	Luveve	Mtoko
Beitbridge	Macheke	Norton
Chatsworth	Mashaba	Ntabazinduna
Dangamvura	Mbizo	Seki
Dzivaresekwa	Melsetter	Senka
Highfield	Mkoba	St. Mary's
Inyanga	Mount Darwin	Victoria Falls
		Zimunya

## STATISTICS OF AFRICAN COUNCILS

The following statistics relating to the work of African Councils in Southern Rhodesia are published in the Report of the Secretary for Internal Affairs and Chief Native Commissioner for the year 1962—<sup>(2)</sup>

<i>Ratepayers</i>		<i>Councils in Tribal Trust Lands</i>	<i>Councils in Native Purchase Areas</i>
Less than 100 ratepayers	.. .. .	1	8
100 — 249 ratepayers	.. .. .	1	8
250 — 499 ratepayers	.. .. .	—	5
500 — 999 ratepayers	.. .. .	4	1
1,000 — 2,499 ratepayers	.. .. .	10	—
2,500 — 4,999 ratepayers	.. .. .	5	—
5,000 — 9,999 ratepayers	.. .. .	8	—
10,000 or more ratepayers	.. .. .	4	—
		33	22

<i>Rates Imposed</i>		<i>Councils in Tribal Trust Lands</i>	<i>Councils in Native Purchase Areas</i>
No rate .. .. .	.. .. .	4	—
6% on value of land	.. .. .	—	1
Less than 10s. ..	.. .. .	19	2
10s. to 19s. 11d.	.. .. .	9	6
£1 0s. 0d. to £2 9s. 11d.	.. .. .	1	9
£2 10s. 0d. to £4 19s. 11d.	.. .. .	—	2
£6 0s. 0d. .. ..	.. .. .	—	1
£14 0s. 0d. .. ..	.. .. .	—	1
		33	22

<i>Rates Collected</i>		<i>Councils in Tribal Trust Lands</i>	<i>Councils in Native Purchase Areas</i>
Less than £100 0s. 0d.	.. .. .	13	10
£100 to £249 19s. 11d.	.. .. .	7	6
£250 to £499 19s. 11d.	.. .. .	3	5
£500 to £999 19s. 11d.	.. .. .	7	1
£1,000 or more ..	.. .. .	3	—
		33	22

<sup>(1)</sup> Information from the Ministry of Local Government.

<sup>(2)</sup> Op.cit., p. 52-95.



### *Functions Performed*

The following are the main functions performed:—

Five councils assisted in agricultural matters (grants to Intensive Conservation Area Committees and Agricultural Committees and the maintenance of grass nurseries).

Seventeen councils provided facilities for animal husbandry (dipping services, bush clearing, fencing and paddocking, crush pens).

Thirty councils assisted in educational matters (maintenance of schools, teacher's house, school buildings, furniture, subsidizing schools, award of bursaries).

Three councils maintained timber plantations and/or fruit nurseries.

Ten councils maintained ambulances, seven operated clinics and dispensaries, one maintained first-aid boxes, five maintained public conveniences, and four sprayed as an anti-malarial measure.

Eighteen councils built and/or maintained roads and bridges.

Twelve councils provided or maintained water supplies of one sort or another.

Twenty-five councils maintained a council hall, fifteen were operating bars and/or bottle stores and seven more were taking steps to establish them, thirty-eight kept firearms for loan or hire, fifteen supplied ammunition, nine hired out agricultural machinery and seven transport, twenty-five organised postal facilities, four provided milling facilities, and two grain weighing scales, four maintained libraries, eleven made charitable grants and four sold beacons.

One council maintains a dance band, another supervises a Road Motor Service Depot for the convenience of its inhabitants. Three councils provided no facilities whatsoever and another owns a hall but did nothing else during the year.

### *Finance*

The overall financial position of councils (unaudited) was:—

Funds on hand 1st January, 1962	..	..	..	..	£71,305	7	2
Expenditure during 1962	..	..	£137,504	18	0		
Revenue during 1962	..	..	£124,726	11	6		
					£12,778	6	6
Funds on hand 31st December, 1962	..	..	..	..	£58,527	0	8

Revenue fell by £4,300 5s. 11d. and expenditure by £9,540 12s. 1d. as compared with 1961.

### *Grants in Aid*

Grants from Revenue Votes amounting to £21,981 15s. 3d. were made to councils during the year, as compared with £25,616 in 1961, but of these, block grants based on rates collected fell from £23,401 4s. 9d. in 1961 to £10,752 while grants in respect of expenditure by councils rose from £12,445 10s. 0d. to £11,229 15s. 3d. under the policy designed to encourage councils to spend money and provide services rather than hoard their funds.

In addition, councils received grants from the Native Development Fund amounting to £14,187 1s. 4d.

The following total amounts were paid in grants of various kinds:—

<i>Nature of Grant</i>	1962	1961	1960
Block Grants	£10,147	£23,401	£25,544
Salary Grants	683	357	170
Percentage Grants <sup>(1)</sup>	741	182	470
Health Grants	4,962	1,814	720
Water Supplies	2,242	—	—
Ad Hoc Grants	2,602	93	300
African Development Fund Grants (specific projects)	2,750		
African Development Fund Grants (Native Purchase farms) <sup>(2)</sup>	11,437		

<sup>(1)</sup> Based on 50 per cent of expenditure by council.

<sup>(2)</sup> Grants made by District Commissioners from African Development Fund moneys allocated to Districts on the basis of £12 for each occupied Native Purchase Area Farm.

**COUNCIL WARRANT**  
(Native Councils Act, No. 19 of 1957)

**THE CHIOTA COUNCIL IN THE DISTRICT OF MARANDELLAS**

WHEREAS the ..... Council has been established:—  
in terms of section 34 of the Native Councils Act, 1957;

NOW therefore, in terms of section 11 of the said Act, I hereby issue the following Warrant containing the necessary instructions and directions:—

- (a) The name of the Council shall be **THE CHIOTA COUNCIL** and the area for which it is established shall be that described in the Schedule to this Warrant.
- (b) The Council shall be composed of fifteen elected members and seven Headmen.
- (c) The Vice-Presidents of the Council shall be the following Chiefs  
Chiota: Nyandoro: Nenguwo: Mudzimiroma.
- (d) The qualifications of persons entitled to elect members of the Council shall be.....
- (e) The area of the Council shall be divided into five wards and each ward shall be assigned the following number of councillors: Chiota Ward—6 Councillors; Mudzimiroma Ward—1 Councillor; Nenguwe Ward—3 Councillors; Samuriwo Ward—1 Councillor; Nyandoro Ward—3 Councillors.
- (f) The system of rating to be adopted shall be.....
- (g) Subject to the provisions of section 53 of the Act, to the provisions of any other law in force in the area for which such Council is established and to any conditions specified hereunder, the Council shall have power and authority to undertake or carry out, within the limits of the area for which it is established, any or all of the matters and things set out below or in any Schedule to this Warrant:—

Agriculture	1. provide services for the improvement of agriculture generally;
Ambulance	2. establish, operate and maintain ambulance services;
Cycles	3. licence bicycles and vehicles other than motor vehicles;
Dogs	4. regulate the licensing, control and destruction of dogs;
Fencing	5. provide for the fencing of land and the maintenance of fences;
Fire	6. prevent, control and extinguish fires;
Land	7. conserve the soil and regulate the use of land;
Latrines	8. establish, maintain and control latrines and wash places;
Livestock	9. provide services for the paddocking and castration of live-stock;
Post	10. establish postal services and telephones;
Recreation	11. establish, equip and control recreation and sports grounds and parks;
	12. sponsor and assist local athletic, sports, music and dance teams;
Roads	13. make and maintain roads, streets, paths, bridges and drains;
	14. prohibit any act which may cause damage to any public road;
	15. establish and control bus stops, shelters and passenger facilities;
Townships	16. plan and administer townships and business centres;
	17. name roads and streets and provide signs;
	18. provide for the general improvement of housing;
Trading services	19. build, equip and let business premises and dwelling houses;
	20. establish and conduct facilities for milling and shelling produce;
Vermin	21. take measures to control or exterminate pests and vermin;
Water	22. provide, maintain and control public water supplies;
	23. protect and prevent the pollution of water supplies;
	24. build, maintain and control dams, weirs and furrows;
Welfare	25. assist cripples and blind persons who are in indigent circumstances;



26. provide services for the improvement of home life generally;
27. build, equip and conduct social centres, libraries, reading, writing and wireless rooms, rest houses and community halls;
- Health 28. build, equip and conduct maternity homes, dispensaries, medical posts, outpatients' and visitors' hostels;
- Education 29. assist by bursaries the children of parents resident in the Council area to attend educational centres within the Colony subject to the approval of the Director of Native Education;
- Grants 30. grant sums of money towards the establishment, equipment or maintenance of any school, or any particular facilities provided by any school, which are approved by the Director of Native Education;
31. grant sums of money to any institution or society or club having as its object any one or more of the following—charity, social welfare, development of the council area, agricultural and garden shows, or the welfare of women, children and young persons;
- Agriculture 32. establish and control tree and grass nurseries, forest plantations and orchards and sell the produce thereof;
- Cemeteries 33. establish and control cemeteries and provide hearses, and require or arrange for the proper burial of bodies in such cemeteries;
- Council 34. defray the cost or make grants to cover the cost of councillors or officers attending courses on local government;
35. make loans on such terms and conditions as may be determined by the council to council officers and employees for the purchase of transport necessary for the performance of their duties;
36. acquire by grant, purchase or lease any land which may be required for the performance of any act which the council is empowered under the provisions of the Act to do;
- Grants 37. grant sums of money for the promotion of arts and crafts, music, drama, recreation and sports;
38. grant sums of money towards the establishment, equipment or maintenance of any hospital, clinic or asylum for the aged, blind, crippled, destitute, infirm or for orphans whether within or without the area of the council;
- Liquor 39. regulate or licence the manufacture, supply, possession and consumption of native beer as defined in the Native Beer Act, and the supply of such beer to any particular class of Native;
- Machinery 40. acquire, maintain, hire and hire out machines, implements or vehicles for the improvement of transport, production and marketing, building, soil conservation, mowing and the making of roads and dams;
- Public Order 41. prohibit, regulate, control or licence tribal dancing and drumming and other forms of dancing and concerts;
42. control, regulate, inspect and licence any social halls, dance halls and places of public entertainment;
43. prohibit, regulate and control the collection or receipt of money in public places;
- Public Relations 44. pay such sums as the President of the Council may approve towards public functions, festivals, ceremonies and the entertainment of distinguished visitors, and defray the expenses of the representation of the council on such occasions;

45. spend money on publicity to educate and inform the inhabitants on local government or the work of their council;
46. provide badges, robes and other insignia for the use of councillors, officers and employees but not uniforms save with the special sanction of the Secretary for Native Affairs;
- Recreation 47. establish, control and contribute towards bands or orchestras for musical performances in public places and at public functions, and generally to encourage local musicians and provide musical entertainment;
- Trading Services 48. establish, maintain and conduct facilities for the sawing of timber and the manufacture or sale of crushed granite, bricks, compost, school equipment, and the repair of implements and utensils;
49. acquire, sell or lend timber, bricks, manure, selected seed, household and stock remedies, literature and books;
50. provide and control public weighing machines and other instruments of measurement;
- Electricity 51. provide or arrange for lighting in public places and the supply of electricity;
- Markets 52. build, equip, open, close and maintain markets and market buildings whether for livestock or produce or manufactured articles;
53. regulate and control markets including the levying and collection of storage fees, rents and tolls;
- (h) The Council may make by-laws in regard to any matter which is specified in clause (g) above provided that.....
- (j) Further provisions:—provided that any selling or hiring services provided under items 20, 40, 48 and 49 of clause (g) above shall not deliberately be operated by the council at a loss.
- (k) The Chairman shall be nominated annually by the Secretary for Native Affairs from among the Vice-Presidents and Members of the Council after considering the recommendations of the Council.

Salisbury, 9th April, 1958.

Secretary for Native Affairs.

**SCHEDULE TO WARRANT**  
**DESCRIBING THE AREA FOR WHICH THE CHIOTA COUNCIL IS ESTABLISHED**  
 (Section 11 (2) (a) of Act 19 of 1957)

As described in Southern Rhodesia Government Notice No. 225 of 1962 as follows:—

**Chiota Reserve:**

The area bounded on the north by the farms Guildford and Guzha and the Nyatsimi and Nyaracheshi Rivers; on the east by the farms Hedon, Stow, Ngungubu, Rhodesdale, Poltimore, Endsleigh and Chudleigh Extensions; on the south by Chinghanda Native Area and the Umfuli River; on the west by the Muda Native Area and the farms Alfa, Carisbrook and Nyaringondo.



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