

THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1965

I ASSENT,

Julius K. Nyerere
President

24TH MARCH, 1965

An Act to extend and to amend the Land Acquisition Ordinance

[26TH MARCH, 1965]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Land Acquisition Ordinance (Amendment) Act, 1965 and shall be read as one with the Land Acquisition Ordinance.

2. The Land Acquisition Ordinance is hereby amended as follows:

- (a) in the long title thereof, by adding immediately after the word "Purposes", the words "and in connection with rehousing schemes";
- (b) by inserting, immediately above section 2, the following new heading:-

"PART I

ACQUISITION FOR PUBLIC PURPOSES"

3. Section 2 of the Land Acquisition Ordinance is hereby amended by deleting paragraph (a) of the definition "public purpose" and by substituting therefor the following new paragraph: -

"(a) for exclusive Government use, for general public use, for any Government scheme for the development of agricultural land, or for the provision of sites for industrial or commercial development, social services or housing;"

4. Section 12 of the Land Acquisition Ordinance is hereby repealed and replaced by the following new section:-

12.(I) Subject to subsection (4) of this section, but notwithstanding any other provision of this Ordinance-

"Vacant and inadequately developed land

short title
construction
Cap. 118
Extension
of ambit of
Cap. 118

Section 2 of
Cap. 118
amend

Section 12
of Cap. 118
repeal and
replaced

- (a) no compensation shall be awarded in respect of land that is vacant ground; and
- (b) where the development of any land is inadequate, any compensation awarded shall be limited to the value of the unexhausted improvement of the land.

(2) Land shall not cease to be vacant ground for the purpose of this section by reason only of one or more of the following: -

- (a) its being fenced or hedged;
- (b) its having been leveled;
- (c) its constituting the cleared or partially cleared site of some former development;
- (d) its being used, otherwise than as ancillary to adjacent land which is not vacant land or land which is inadequately developed, as a place of deposit for refuse or waste or as standing or parking places for vehicles.

(3) The development of land is inadequate for the purposes of this section if the land is in an urban area and

- (a) it has been developed by the erection of buildings, structures or works which have fallen into substantial disrepair or into desuetude, and the land has been unoccupied, or occupied solely by a person employed as a watchman, for a continuous period of not less than three months immediately preceding the publication of the notice stating that the land is required for a public purpose; or
- (b) it is used or developed at the time of the publication of such notice solely for cultivation or pasturage or both cultivation and pasturage; or
- (c) it is used at the time of the publication of such notice solely for habitation, in dwellings of their own construction or dwelling places adapted from buildings formerly abandoned, by persons holding at the will or sufferance of a person having a title to the land or by trespassers.

(4) Nothing in this section shall apply to-

- (a) land within the six months immediately following-
 - (i) the grant of a right of occupancy under the Land Ordinance over the land;
 - (ii) a declaration, under the Freehold Titles (Conversion) and Government Leases Act, 1963, that the land is ripe for development;
 - (iii) the approval of the Minister or the consent of the Commissioner for Lands a disposition of the land;

Acts 1963
No. 40

- (iv) the approval of the local government authority within whose area the land is situate of a scheme for the redevelopment of the land; or
- (b) land belonging to an enterprise which is an approved enterprise within the meaning of the Foreign Investments (Protection) Act, 1963.

(5) In this section-
"unexhausted improvement" means anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labour by a person holding under a right of occupancy or Government lease, or any person acting on his behalf or holding under him for a term of years, and increasing the productive capacity, utility or amenity thereof, but does not include the results of ordinary cultivation other than standing crops or growing produce;
"urban area" means an area with-in the jurisdiction of a city, municipal or town council."

5. The Land Acquisition Ordinance is hereby amended by adding, immediately below section 33, the following new Part:-

New Part
added to
Cap. 118

"PART 11

REDEVELOPMENT AREAS

Interpreta-
tion of
Part 11

34.-(1) In this Part, unless 'the context otherwise requires -

"appointed day", in relation to, any redevelopment area, means the day on which the order declaring the area as such is first published in the *Gazette*;

"building" means any structure of whatsoever materials constructed and whether of a temporary or a permanent nature,

"development owner" in relation to any building

- (a) where the building was built by or on behalf of the occupier with the consent of the owner, or the building was built by or on behalf of some previous occupier with the consent of the owner and the current occupier paid the immediately preceding occupier consideration for the building, means the occupier;

(b) in any other case, means the owner;

"Minister" means the Minister for the time being responsible for lands;

"occupier" means the person in occupation of land on the appointed day, and where there are more than one such person means that one of them who is the owner, or who is responsible (or would be so responsible if the land were let at a rent) for the payment of rent to the owner or to a mesne landlord who is not an occupier;

"owner", in relation to land, means the holder of a government lease (as defined in the Freehold Titles (Conversion) and Government Leases Act, 1963) or of a right of occupancy (as defined in the Land Ordinance) of the land;

"peri-urban area" means any area which is so defined by the Minister and is within a radius of five miles outside the boundaries of an urban area;

"urban area" means an area within the jurisdiction of a city, municipal or town council, and an area which, immediately before the establishment of a district council for any part of Tanganyika, was a township declared under the Township Ordinance or a minor settlement as declared under the Minor Settlements Ordinance.

Cap. 102

(2) Where the owner of any land has accepted rent from an occupier who, or whose predecessor, has constructed any building on the land, the building shall be deemed to have been constructed with the consent of the owner.

Declaration
of re-
development
areas

35.-(1) Where the Minister is satisfied as respects any area within an urban area or as respects any peri-urban area-

- (a) that the area is one developed principally for housing and that the greater number of the houses therein-
 - (i) are, by reason of their bad arrangement or manner of construction, or of the materials used therein, or of the lack of sanitary facilities or facilities for the storage of food, unsuitable as urban dwellings; or
 - (ii) are not of permanent construction; or
 - (iii) are unfit for human habitation; and
- (b) that a scheme for the redevelopment of such area and the provision of housing of improved standards has been or will be prepared, and that such redevelopment cannot be carried out expeditiously or conveniently by the owner or owners,

he may, by order published in the *Gazette*, declare the area to be a redevelopment area.

(2) Where the Minister declares any area to be a redevelopment area, he shall cause the area to be defined on a map and shall cause copies of such map to be exhibited at the offices of the local government authority within whose jurisdiction the redevelopment area or any part thereof is situated.

Extinction
of private
rights

36.-(1) Upon the appointed day, all interests in or over land within the redevelopment area, other than

- (a) the wayleaves, easements or licences described in subsection (4); and
- (b) the interests of the President,

shall be extinguished, and, subject to this Act, all land in such area or part shall be under the control and subject to the disposition of the President.

(2) Save to the extent that a person entitled to, any rights extinguished is eligible for a grant of a right of occupancy under section 37, or provision is made for the preservation of such rights in accordance with section 37 or 38, no compensation shall be payable for the extinction of any right under this section.

(3) Any agreement for the disposition of any interest in or over land within a redevelopment area which is made, but is not given effect to, before the clearance date shall be void.

(4) Wayleaves, easements or licences to which this section refers are any wayleaves, easements or licences granted by or under any written law in respect of any works of electrical, highway, sewage and drainage, or water undertakings or authorities, post office works or railway works.

Re-grant
of land
on right
of occupancy

37.-(1) Subject to the provisions of section 38, the Minister shall, as soon as may be after the appointed day, grant to every development owner within the redevelopment area a right of occupancy over the land on which the building of which he is the development owner is situated and until such right is granted, the development owner shall be deemed to hold a right of occupancy over such land on such terms as the Minister may by order prescribe, and any Person who, immediately before the appointed day, held such land or any part thereof as a tenant or subtenant of the development owner shall be deemed to hold the same land or part under a tenancy created out of such right of occupancy on the terms and conditions on which he held the same immediately before the appointed day.

(2) Subject to the provisions of the Land Ordinance, the terms and conditions of rights of occupancy granted under this section shall be at the discretion of the Minister.

(3) Nothing in this section shall require the Minister to make a grant of a right of occupancy to any local government authority or to the Common services Organization or any service thereof, but where but for this subsection any such authority, organization or service would be eligible under subsection (1) for a grant of a right of occupancy, the Minister may make land available in accordance with any written law in that behalf.

Preservation
of trusts,
encumbrances,
etc.

38.-(1) Where the Person eligible in accordance with section 37 for a right of occupancy over any land held the land, or any building or part thereof on the land, immediately before the appointed day--

- (a) on trust for any person or purpose; or
- (b) subject to any encumbrance, interest, right, term or condition for the benefit of another (not being an incumbrance, interest, right, term or condition for the benefit of a lessor as such),

the Minister may, as a condition of the grant, require the proposed grantee to make such dispositions or declarations as he thinks necessary or expedient to preserve such trust, incumbrance, interest, right, term or condition for the benefit of the person or purpose formerly entitled thereto.

(2) If the proposed grantee refuses or neglects to make any disposition or declaration required of him under this section, the Minister may, whether by grant of a right of occupancy to the person for whose benefit any such trust, incumbrance, interest, right, term or condition subsisted, or otherwise, make such provision for the preservation thereof as he thinks necessary and just.

(3) The Minister may require any person eligible for the grant of a right of occupancy under section 37 to make a full disclosure of all trusts and other interests to which this section refers, and any person who makes any statement which he knows to be false or does not believe to be true in purported compliance with any such requirement shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand shillings or to both such imprisonment and fine.

Exemption
and stamp
duty
Cap. 334

39.-(1) No fees shall be payable under the Land Ordinance, or the Land Registration Ordinance on the grant of a right of occupancy under section 37 or 38 or on the first registration of such right.

(2) No stamp duty shall be payable in respect of the grant of a right of occupancy under section 37 or 38, or on any disposition or declaration made in accordance with a requirement under section 38.

Rules

40. The Minister may make rules for the better carrying out of the purposes of this Part including, without prejudice to the generality of the foregoing, rules for the registration of trusts and other interests to which section 38 refers."

Passed in the National Assembly on the eighteenth day of March, 1965.

 Msekwa
Clerk of the National Assembly