

Land (Compensation Claims)

GOVERNMENT NOTICE NO. 79 published on 4/5/2001

THE LAND ACT
(No. 4 OF 1999)
**THE LAND (COMPESATION CLAIMS)
REGULATIONS, 2001**

(Made under section 179)

1. These Regulations shall be cited as the Land
(Compensation Claims) Regulations 2001. Citation

2. In these regulations, unless the context
requires otherwise requires - Interpretation
"Act" means the Land Act, 1999;
"authorized officer" has the meaning ascribed to it by the
Act;
"customary right of occupancy" has the meaning ascribed
to it by the Act;
"granted right of occupancy" has the meaning ascribed to
it by the Act;
"local government authority" has the meaning ascribed to
it by the Act;
"Fund" means the Land Compensation Fund established
by section 173 of the Act;
"peri-urban area" has the meaning ascribed to it by the
Act;
"urban area" has the meaning ascribed to it by the Act;

3. These Regulations shall apply to all applications or
claims for compensation against the Government or local
government authority or any public body or institution under the Act
who may claim compensation. Application

Land (Compensation Claims)

G.N. No. 79 (contd.)

Compensation

4. The following may claim compensation, that is to say -

- (a) The holder of a granted right of occupancy in respect of general or reserved land which is transferred to village land under Section 5 of the Act or in respect of land the subject of a right of occupancy which is compulsorily acquired by the President for public purposes under Section 22 of the Act or in respect of a right of occupancy which has been revoked under Section 49 of the Act;
- (b) The holder of a granted customary right of occupancy in respect of land which is declared to be hazardous land under section 7 of the Act;
- (c) The holder of a customary right of occupancy where the land becomes the subject of a granted right of occupancy in favour of another person and such holder is moved or relocated under section 34 of the Act.
- (d) The occupier of land which he has obtained under or as a consequence of a disposition by a holder of a granted or customary right of occupancy where such occupier is refused a right of occupancy under section 54 of the Act;
- (e) The occupier of land in any urban or peri urban area where such land is acquired by the President under section 60 of the Act.

Land (Compensation Claims)

G.N. No. 79 (contd.)

5.-(1) The Land (Assessment of Value for compensation) Regulations 2001 shall apply to any application or claim for compensation by any person occupying land.

Compensation which may be claimed by occupier

(2) Without prejudice to the generality of the above, the compensation that may be claimed by any person occupying land shall be -

- (a) the value of unexhausted improvements on the land he is occupying;
- (b) grazing land.

6. The Commissioner or the authorized officer shall cause a notice to be published on a public notice board and serve a notice in a prescribed form on every occupier -

Service of notice to claim compensation

- (a) notifying the occupier of the land which is the subject of compensation;
- (b) requiring the occupier to submit his claim for compensation;
- (c) requiring the occupier to appear physically on such date, time and place where assessment shall be done.

7. The Commissioner or the authorized officer shall cause the valuation for compensation purposes to be undertaken.

Valuation

8. The Commissioner or the authorized officer shall prepare a compensation schedule and submit to the Fund, together with the claim for compensation.

Claim Form

9.-(1) The Fund shall, within not more than thirty days from the date on which the Fund receives the claim

Determination

Land (Compensation Claims)

G.N. No. 79 (contd.)

for compensation and compensation schedule from the Commissioner or authorised officer make verification and accept or reject payment.

(2) This regulation shall apply to all applications or claims for compensation against the Government or local government authority or any public body or institution under the Act.

(3) The compensation under section 156 of the Act shall apply against a non-government corporate body, association or group of persons in whose favour a public right of way is created.

Forms of
compensation

10.-(1) Compensation shall take the form of monetary compensation.

(2) Without prejudice to the generality of the above, compensation may, at the option of the government, take the form of all or a combination of or any of the following -

- (a) a plot of land of comparable quality, extent and productive potential to the land lost;
- (b) a building or buildings of comparable quality extent and use comparable to the building or buildings lost;
- (c) plants and seedlings;
- (d) regular supplies of grain and other basic foodstuffs for a specified time.

Dar es Salaam,
3rd May, 2001

G. CHEYO,
*Minister for Lands and
Human Settlement Development*