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THE LAND USE PLANNING ACT, 2007

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NO. 6 OF 2007

I ASSENT,

Jakaya Mrisho Kikwete

*President*11th June, 2007

An Act to provide for procedures for the preparation, administration and enforcement of land use plans; to repeal the National Land use Planning Commission Act and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1. – (1) This Act may be cited as the Land Use Planning Act, 2007. Short title and commencement
- (2) This Act shall come into operation on the date which the Minister may, by notice published in the *Gazette*, appoint. Short title and commencement
2. In this Act, unless the context otherwise requires – Interpretation
- “Act” means the Land Use Planning Act, 2007;
- “Chairman” means the Chairman of the National Land use Planning Commission appointed in accordance with section 6 of this Act;
- “Commission” means the National Land Use Planning Commission established under section 6;
- “Court” means the courts established under the Land Act, and the Village Land Act; Caps 113 and 114
- “development” means the carrying out of any physical or construction work in, on, under or over any land, the subdivision or laying out of land, or the making of any change in the use of land, and the expression; “develop” is to be construed accordingly;
- “Director General” means the Director-General appointed under section 10 of this Act;
- Cap. 287 “district” has the meaning ascribed to it under the Local Government (District Authorities) Act, and the expression;
- “district land use planning” shall be construed accordingly;
- Cap. 113 “land” has the meaning assigned to it under the land Act;
- “landholder” means a holder of a right of occupancy or customary right issued or recognized under any law relating to the acquisition of land rights in Tanzania under the Land Act, and the Village Land Act;
- Cap. 113 and 114

- “land use” means the purpose for which any parcel of or structure erected on land, or part of it is or is intended to be used, or occupied;
- “land use plan” means any plan prepared or adopted by a planning authority under this Act;
- “land use planning” means the procedures and processes in accordance with which land use in a planning area or zone are prescribed, managed, monitored and evaluated under this Act;
- “lead agency” means all government departments responsible for various aspects relating to land use or environmental planning, whether or not comprised in the Ministry for the time being responsible for land use planning matters;
- “local government authority” has the meaning ascribed to it under the Local Government (District Authorities) Act, and the Local Government (Urban Authorities) Act;
- “Minister” means the Minister responsible for land use planning;
- “planning area” means an area declared to be a planning area in accordance with section 25;
- “planning authorities” means planning authorities prescribed under section 18 of this Act;
- “Regional secretariat” has the meaning as ascribed in the Regional Administration Act;
- “reserved land” means lands classified as such under section 6 of the Land Act;
- “resource management sector plan” means a land use plan prepared in respect of a specific land use sector or land use activity and includes plans for river basins and sensitive ecological zones;
- “Tribunal” has the meaning ascribed to it under the Land Disputes Courts (District Land and Housing Tribunal) Regulations, 2003;
- “urban area” has the meaning ascribed to it by the Land Act;
- “urban authority” has a meaning ascribed to it under the Local Government (Urban Authorities) Act;
- “urban land” means land within the boundaries of an urban authority;
- “village” means a village registered under the local Government (District Authorities) Act;
- “zonal for planning purposes” means an area larger than an administrative region encompassing two or more regions.

Caps.
287 and
288

Act No.
2
of 2003
Cap.288
Cap.288

Cap. 287

PART II POLICY FRAMEWORK

- 3.** With a view to giving effect to fundamental principles of National Land Policy and the Human Settlements Development Policy which all persons and authorities exercising powers under, applying or interpreting this Act through land use planning shall have regard to the need to –
- (a) make serviced land available for shelter and human settlements development in general to all sections of community including women, youth, the elderly, disabled, disadvantaged and pastoralist;
 - (b) improve the level of the provision of infrastructure and social services for sustainable human settlements development;
 - (c) facilitate the creation of employment opportunities and eradication of poverty;
 - (d) promote a balanced development of a clearly defined hierarchy of settlements in promoting human settlements development;
 - (e) promote and include the participation of the private and popular sectors, Community Based Organisations, Non-Governmental Organisations, co-operatives and communities in land use planning;
 - (f) protect the environment of human settlements and of ecosystems from pollution, degradation and destruction in order to attain sustainable development;

Funda-
mental
princi-
ples of
land use

- (g) promote the building of capacities in training and retraining of professionals in fields related to land use planning;
- (h) promote capacity building such as technical, financial and managerial, of all actors involved in land use planning; and
- (i) ensure planning legislation, building regulations, standards and other controls which are consistent with the capabilities, needs and aspirations of the various sections of the population.
- Land use planning objectives
- 4.** The objectives of land use planning to which all persons and authorities exercising powers under, applying or interpreting this Act shall be to:
- (a) facilitate efficient and orderly management of land use;
- (b) empower landholders and users to make better and more productive use of their land;
- (c) promote sustainable land use practices;
- (d) ensure security and equity in access to land resources,
- (e) facilitate the establishment of a framework for the prevention of land use conflicts;
- (f) facilitate overall macro-level planning while taking into account regional and sectoral considerations;
- (g) provide for inter-sectoral co-ordination at all levels;
- (h) ensure the use of political and administrative structures and resources available at national, regional, district and village levels; and
- (i) provide a framework for the incorporation of such relevant principles contained in national and structural development policies as may be defined by the Government.

PART III
ADMINISTRATION
(a) Minister

Responsibilities of the Minister

5. – (1) It shall be the responsibility of the Minister to ensure that the principles and objectives provided for in sections 3 and 4 herein are incorporated as necessary into general, framework or detailed land use plans at all levels of the planning process.

(2) Notwithstanding the generality of sub-section (1), the Minister shall ensure –

- (a) review of existing land use and development policies and direct their incorporation into land use plans prepared in accordance with this Act;
- (b) evaluation of existing and proposed land use, development policies and the activities of the Government with a view to ensuring the proper management and use of land; and
- (c) such Government policies including those for development of land, take adequate account of their effect on land use.

(b) National Land Use Planning Commission

- 6.** – (1) There is hereby established a Commission to be known as the National Land use Planning Commission which shall consist of –
- (a) a Chairman to be appointed by the President;
- (b) not less than five and not more than ten members appointed by the Minister from amongst the following public, private and popular sectors;
- (i) lands and human settlements development;

Establishment of the National Land Use Planning Commission

- (ii) agriculture and livestock;
- (iii) economic planning and development;
- (iv) energy or mining;
- (v) environment;
- (vi) finance;
- (vii) health;
- (viii) industry or trade;
- (ix) law or law enforcement;
- (x) local government;
- (xi) natural resources, fisheries or tourism;
- (xii) water resources;
- (xiii) Non-Government Organisations and Community Based Organisations; and

(c) a Director-General, who shall be an ex-officio member and the Secretary.

(2) In appointing the members of the Commission under subsection (1) (b), the Minister shall ensure that at least three of members are women.

(3) The meeting for transaction of the business of the Commission shall be as stipulated in the First Schedule to this Act.

- (4) The Commission shall be a body corporate and shall –
 - (a) have perpetual succession and a common Seal;
 - (b) in its corporate name be capable of suing and being sued; and
 - (c) be capable of performing such other functions as a body corporate may perform.

Functions
of the
Commis-
sion

7. – (1) The functions of the Commission shall be to-
- (a) Coordinate, advice and inspect all sectors on collective standards and to advice the Minister to make the agreed standards;
 - (b) provide assistance to all land use planning authorities and prepare land use plans, monitor their implementation and, from time to time, evaluate them;
 - (c) co-ordinate the activities of all bodies concerned with land use planning matters and serve as a channel of communication between such institutions and the Government;
 - (d) design and disseminate programs that will effectively protect and enhance the quality of land and better land use planning;
 - (e) stimulate public and private participation in activities related to land use planning for rational and beneficial use of land;
 - (f) foster co-operation between the Government, local government authorities and other institutions engaged in land use planning;
 - (g) promote the advancement of scientific knowledge in land use matters and encourage the development of technology directed at the prevention or reduction of adverse effects on land;
 - (h) specify standards, norms and criteria for the protection of beneficial uses and the maintenance of the quality of land;
 - (i) undertake and co-ordinate research, investigation and surveys relating to land use planning and collect, collate and create a national data bank to disseminate information about the findings of such research, investigation or survey;

- (j) establish and operate a system of documentation and dissemination of information relating to land use planning;
- (k) in consultation with any sector Ministries, examine existing laws and advise the Government on legislative and other measures for the management of land use planning and recommend their implementation;
- (l) establish and maintain liaison with other countries and international organisations, with respect to issues and matters relating to land use planning;
- (m) undertake, in co-operation with relevant agencies, programmes intended to enhance land use planning education, and public awareness about the need for sound land management and for enlisting public support and encouraging the effort made by other entities in that regard;
- (n) undertake and promote educational programmes in land use planning for the purpose of educating the public on proper land use planning and the role of the public in its protection, use and improvement;
- (o) ensure compliance with the approved land use plans; and
- (p) perform such other functions as may be assigned to it under this Act;

(2) The Minister may make regulations for the better performance of the functions of the Commission.

8. The Commission shall exercise all necessary powers required to bring about compliance with any directive issue by it and may, in that respect, take or cause to be taken measures including filing suits in courts of law.

Powers of the Commission to ensure compliance

9. – (1) No member, employee or staff of the Commission, agent of any person having any contractual relationship with the Commission shall participate or influence in making a decision on any matter to which he has an interest.

Conflict of interest

(2) Any person referred to under subsection (1) shall, before participating in making a decision on any matter, declare an interest involved.

The Director General of the Commission

10. – (1) There shall be-

- (a) a Director-General of the Commission to be appointed by the President; and
- (b) such other officers and staff as the Commission may appoint for the proper discharge of its functions under this Act.

(2) A person to be appointed to the position of Director-General shall be a person who holds at least a post graduate degree from a recognized higher learning institution and has at least working experience in either of the following fields:

- (a) urban and rural planning;
- (b) law;
- (c) environmental science; or
- (d) natural resource management;

(3) Notwithstanding the provision of sub-clause (2) the Director General shall also be knowledgeable on local government matters.

(4) The appointment under subsection (1), shall be on such terms and conditions of public service as may be determined by the relevant appointing authority.

Duties
of the
Director
General

11. – (1) The duties of the Director-General shall be –

- (a) to advise the Commission on all matters relating to land use planning;
- (b) be the Chief Executive of the Commission and shall, subject to this Act, be responsible for the day to day management of the affairs of the Commission;
- (c) to initiate, undertake or direct studies and research into matters concerning land use planning;
- (d) manage the funds and property of the Commission; and
- (e) to perform any other functions as may be conferred upon him by this Act.

(2) The Director-General may delegate any of his functions under this Act, either generally or specifically, to any officer appointed under this Act and, may at any time revoke or vary such delegation, provided that no such delegation shall be deemed to have divested the Director-General of all or any of his duties, and he may, if he thinks fit, perform such functions notwithstanding that he had delegated them.

12. The Director-General, and officers appointed under this Act shall not be subject to any action or other proceeding for, or in respect of any act done, or omitted to be done without negligence and in good faith, in the exercise or purported exercise of any of the functions conferred by or under this Act, by any person for any injury to him, his property or any interests caused by the exercise of the powers conferred on the Commission by this Act.

Indemnity

13. Section 12 shall not relieve the Commission of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of the powers conferred on the Commission by this Act or by any other written law.

Liability
of the
Commis
sion for
damage

PART IV **FINANCIAL PROVISIONS**

14. – (1) The funds and resources of the Commission shall consist of –

- (a) such sums as may be provided by Parliament for the purpose of the Commission;
- (b) such moneys or assets as may accrue to or vest in the Commission in the course of the exercise of its powers or the performance of its functions under this Act.

The
funds
and
resources
of the
Commis
sion

(2) The funds and resources of the Commission shall be applied for the purposes for which the Commission is established.

15. – (1) Where the Minister considers it necessary in the public interest may, after consultation with the Minister responsible for finance and by order published in the Gazette, impose fees payable to the Commission by any person benefiting from the activities of the Commission or whose activities affect the activities of the Commission and such person or body of persons specified in the order, shall take all necessary measures to pay to the Commission such fees and in such a manner as may be specified in the order.

Powers
of
Minister
to
impose
fees

(2) The amount of fees required to be paid under subsection (1), shall be paid by the specified person and the amount so payable shall be a debt due to the Commission and may be recovered from the specified person or body of persons as a civil debt by a suit at the instance of the Director-General or any person authorized by him in that behalf.

Cap. 113 (3) Where any fees is due from any specific person, the Director General may file, in the District Land and Housing Tribunal or District Court as specified under section 50 of the Land Act, a certificate stating the name and address of the specified person or body of persons from whom the amount is due and upon the certificate being lodged in court, the certificate shall be deemed to be a plaint duly lodged under Cap. 33 Order XXXV of the Civil Procedure Code.

(4) The court shall proceed in the matter in accordance with the provisions of that Order, and in the event of judgment being given in favour of the plaintiff, the court shall pass a decree for payment by the defendant to the Commission, together with interest on that amount at five per centum per month from the date on which the certificate was filed until the payment is made.

(5) The provisions of subsection (4), shall apply notwithstanding that the amount involved exceeds the pecuniary jurisdiction of such court.

(6) Every certificate filed in the court pursuant to the provisions of subsection (3) shall, unless the contrary is proved, be conclusive evidence.

Annual estimates 16. – (1) The Director-General shall, in respect of each financial year, cause to be prepared estimates of the expenditure and revenue of the Commission with or without modification as may deem fit before the commencement of each financial year.

(2) Where in any financial year the Commission requires to make any disbursement not provided for or of any amount in excess of the amount provided for in the annual budget for that year, the Commission shall, at a meeting, pass a supplementary budget detailing the manner in which disbursement was made.

(3) The annual budget and every supplement budget shall be in such form and include such details as the Minister may direct.

(4) Upon passing the annual budget or any supplementary budget, the Commission shall submit to the Minister for approval of that annual budget or the supplementary budget.

(5) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove or may approve it subject to such amendment as may be appropriate.

(6) Where the Minister has approved any annual budget or any supplementary budget, the annual budget or, the supplementary budget, shall be binding on the Commission and shall confine the disbursements of the

Commission within the items and amounts contained in the applicable estimates as approved by the Minister.

- (7) The Commission may-
- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that the disbursement is not provided for in any budget; or
 - (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared in which case the Commission shall submit a supplementary budget to the Minister within two months from the date of the alteration of expenditure limits.

17. – (1) The Commission shall cause to be prepared and kept proper books of accounts and records with respect to:

Accounts
and
audits

- (a) the receipt and expenditure of moneys by, and other financial transactions of the Commission;
- (b) the assets and liabilities of the Commission, and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the Commission and all its assets and liabilities.

(2) As soon as possible, after the close of every financial year, a balance sheet showing details of the income and expenditure of the Commission in respect of that financial year shall be submitted to the Commission for audit.

(3) Every audited balance sheet shall be placed before a meeting of the Commission for approval in which case, the Commission shall, endorse the balance sheet with a certificate that it has been so adopted.

(4) As soon as the accounts of the Commission have been audited, and in any case not later than eight months after the close of the financial year, the Commission shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report made by the auditors on the statement of accounts.

(5) Upon receipt of the report of audited statement of account, the Minister shall as soon as possible lay the report to the National Assembly.

PART V MACHINERY OF PLANNING

(a) Establishment of land use planning authorities

Planning
authori-
ties

18. – (1) For the purpose of this Act, planning authorities shall include –

- (a) a village council;
- (b) a district council;
- (c) the National Land Use Commission; and
- (d) any such body or organ which the Minister may, by order published in the *Gazette*, declare to be a planning authority or joint planning authority.

(2) For avoidance of doubt, a village council shall attain the status of a planning authority for a village which conforms to the requirements set out under the Sixth Schedule to this Act.

(3) Without prejudice to subsection (1), the village council shall brief the Ward Development Committee having jurisdiction in the area where the village is situated, on land use planning.

National
Planning
Authority

19. – (1) For the purpose of this Part, the Commission shall be the national land use planning authority.

(2) The Commission shall, in that capacity:-

- (a) prepare the national land use framework plan;
- (b) prepare detailed zonal land use framework plans;
- (c) ensure co-ordinated and orderly physical development at the national level;

- (d) monitor and evaluate long term changes in land use in the country;
- (e) co-ordinate regional land use framework plans,
- (f) establish machinery for inter-sectoral co-ordination among land use agencies
- (g) co-ordinate the various land use management activities being undertaken by lead agencies;
- (h) promote the integration of land use considerations into development policies, plans, programmes and projects;
- (i) subject the land use framework or zonal plans to Environmental Impact Assessment, having bearing in the relevant law; and
- (j) subject to the relevant law, inspect implementation of land use plans.

(3) The Commission shall, in addition to the functions specified in sub-section (2) have power to-

- (a) consult and examine all urban land use plans prepared under relevant urban planning law, for purposes of rationalization and incorporation into the national or relevant regional land use framework plans, and
- (b) recommend such other measures to urban planning authorities as are necessary for ensuring that urban land use plans take account of the overall land use and development goals.

(4) In the exercise of its functions under sub-section (2), the Commission shall:

- (a) harmonise resource management sector plans and integrate them into the national land use framework plan;
- (b) establish and review, in consultation with the relevant lead agencies, land use guidelines;
- (c) appraise land use patterns to determine their impact on the quality and quantity of natural resources; and
- (d) advise the Minister on legislative and other measures necessary for the management of land as a national asset.

(5) The Commission may, for the better execution of its functions under this section, establish a Technical Committee consisting of fifteen members drawn from the list set out in the Fourth Schedule to this Act.

(6) The Technical Committee shall, in consultation with the relevant lead agencies, deliberate on and advise the Commission on any of the matters set out in the Fifth Schedule to this Act.

Role of
the
Regional
Secre-
tariat

20. – (1) The role of the Regional Secretariat in relation to co-ordination of the preparation and implementation of land use plans by the district councils in the respective region shall be to:

- (a) co-ordinate inter and intra district land use planning including the preparation of resource management sector plans within the region;
- (b) establish machinery for intersectoral co-ordination among lead agencies within their areas of jurisdiction; and
- (c) ensure the co-ordination of physical development and systematic land use in each region.

(2) In the exercise of its functions under sub-section (1), the Regional Secretariat shall undertake such activities enumerated in paragraphs (a), (b), (c) and (d) of subsection (4) of section 19 as would enhance its functions under this section.

District
Planning
Authori-
ties

21. – (1) A District Council shall be a land use planning authority in the district.

(2) A district land use planning authority shall, in consultation with all relevant stakeholders:

- (a) prepare district land use framework plans incorporating relevant aspects of plans prepared under relevant urban planning law, that includes:-
 - (i) small islands;
 - (ii) coastline and beaches;
 - (iii) planning for vertical development; and
 - (iv) urban boundaries.
- (b) ensure co-ordination and systematic physical development at the district level;
- (c) ensure inter-sectoral co-ordination; and
- (d) co-ordinate village land use plans.

22. – (1) Every village council shall be a village land use planning authority for the respective village.

Village
Planning
Authori-
ties

(2) The composition, procedure and functioning of the village council shall be as provided by sections 12 and 13 of the Village Land Act, and the (Cap. 114 es for Participatory Village Land Use Planning.

(3) Subject to approval by respective Village Assembly, the village land use planning authority shall, in that capacity-

- (a) prepare detailed land use plans for implementation in its respective area of jurisdiction;
- (b) ensure that the objectives of the Village Land Act, are achieved;
- (c) secure the orderly and environmental sustainable development in the village;
- (d) ensure productive use of village land;
- (e) preserve village land resources including forests and wildlife; and
- (f) review or evaluate all applications for land within the village to determine the extent of its conformity with approved land use plans and to advise the Village Assembly accordingly.

23. All planning authorities shall:-

- (a) be responsible for policy implementation and direction for the purposes of this Act;
- (b) set appropriate goals and objectives at all land use planning levels and determine policies and priorities for the improvement of land productivity in their areas of jurisdiction; and
- (c) in collaboration with the National Environment Management Council, determine appropriate criteria for protection of the Environment and sustainable use of natural resources.

General powers of planning authorities

Relations with local government Authorities
Cap. 287
Cap. 113

24. The provisions of the Local Government (District Authorities) Act and the Village Land Act relating to land use and environment planning shall, with necessary modifications be read and construed as if they were provisions of this Act.

(b) Preparation and approval of plans

Declaration of planning areas

25. – (1) A planning authority other than the Commission may, by notice published in at least two newspapers circulating in the area, declare an area within its jurisdiction as a planning area, for the purpose of the preparation of a land use plan or the adoption of existing plan in accordance with this Part.

(2) Subject to approval by the Minister, the Commission may, for the purpose of the preparation of a zonal land use plan or the adoption of an existing plan in accordance with this Part, and by notice published in the *Gazette* and in at least two newspapers circulating in the area:

- (a) declare any area in Tanzania as a zone.
- (b) specify, in that declaration, the precise boundaries of that zone.

(3) Subject to subsection (4), the Commission may, by notice published in the *Gazette*, suspend for a period of not more than one year, any development in a planning area or zone until the land use or physical development plan in respect of such area or zone has been approved.

(4) Where, before the declaration of a planning area or zone under subsection (1), development permission has been granted by a local authority for development in the area or zone such permission shall not be affected by the suspension if the development in respect of which the permission is granted had commenced not less than six months before the suspension of development.

Inventory of planning resources

26. – (1) All planning authorities shall, in respect of each declared planning area or zone, prepare an inventory of the planning resources at their disposal in respect of that area.

(2) A report on the inventory shall be prepared, and shall consist, inter alia –

- (a) the financial resources already allocated for use in the area or zone;

- (b) the human and logistical resources that can be immediately deployed for use in the area or zone;
- (c) an assessment of the infrastructural development already in place in the planning area or zone;
- (d) an assessment of physical and other developments already in existence in the planning area or zone; and
- (e) a schedule and evaluation of all land use plans in force within the area or zone.

(3) In the preparation of an inventory under this section, planning authorities shall ensure that all stakeholders in the area or zone are involved.

27. – (1) All land use planning authorities shall in respect of each declared planning area or zone, prepare a land suitability assessment consisting of:

- (a) a technical report on the physical characteristics and resources of the land;
- (b) a description and analysis of the current use and general condition of the land,
- (c) the suitability of the land for the proposed land use plan;
- (d) community needs in that area or zone;
- (e) valuable or sensitive ecosystems, if any, in that area or zone;
- (f) an assessment of the likely impact of the proposed plan on the environment of the planning area or zone; and
- (g) such other information as the Director-General may deem necessary.

Land
suitability
assessment

(2) Any assessment prepared under this section shall be presented to a meeting of stakeholders in the area or zone for discussion and revision, if any.

28. – (1) All land use plans prepared by relevant planning authorities under this Act shall be relevant at each level, including proposals on the matters relating to –

- (a) determination or designation of land for various uses including cropland, rangeland, forestland and water sources, fisheries, farming and industrial, factory and workshop land;
- (b) preservation of protected or traditional and other sensitive areas, parks, game reserves, coastal ecosystems including swamps, beach land and marine parks, biodiversity colonies and other flora and fauna;
- (c) preservation of the quality and flow of water in a dam, lake, river or aquifer;
- (d) preservation of any outstanding geographical, physiographical, ecological and archaeological features;
- (e) historical features of the land;
- (f) preservation of the scenic view of land;
- (g) preservation of open space;
- (h) preservation of defined paths on the land;
- (i) preservation of the natural contours and features of the land;
- (j) preservation and restriction of the scope of any activity on the land which has, as its object, the mining and working of minerals or aggregate;
- (k) promotion or regulation of the scope of any agricultural or pastoral activity on the land;
- (l) creation and maintenance of works on the land so as to limit or prevent harm to the land and the environment;
- (m) creation or maintenance of migration corridors for wildlife;
- (n) creation of buffer zones for the protection of natural forests, forest reserves, water catchments areas, rivers, dams and river banks;

Matters
to be
included
in all
land use
plans

- (o) designation of areas for small scale industries to produce low cost building materials and increase employment for human settlements development; and
- (p) the establishment of new or reorganisation of existing settlements and physical infrastructure.

(2) The Minister shall, make regulations and direct preparations of guidelines, programs and action plans for giving effect to the provisions of this section.

29. – (1) The Commission shall; –

- (a) within five years of the commencement of this Act update and, where circumstances require, prepare a national land use framework plan; and
- (b) when the need arise, revise such plan for consideration by all sectors in land use planning

Preparation of the national framework plan

(2) In the preparation of the national land use framework plan, the Commission shall –

- (a) consult extensively with other planning authorities established under this Act and the relevant urban planning laws; and
- (b) present a draft of the framework plan to a meeting of all national stakeholders for discussion and revision.

(3) The plan prepared under subsection (1), shall –

- (a) contain analysis of the natural resources of Tanzania with an indication to any pattern of change in their distribution and quantity over time;
- (b) contain an analytical profile of the various uses and value of the natural resources incorporating considerations of the current and future generation;
- (c) recommend appropriate legal and fiscal incentives that may be used to encourage the business community to incorporate proper land use planning and environmental requirements into their planning and operational processes;
- (d) set out operational guidelines for the planning and management of land, the environment and natural resources;
- (e) recommend methods for building national awareness through environmental education on the importance of the sustainable use of land, the environment and natural resources for national development;
- (f) identify actual or likely problems that may affect the natural resources and the broader environment context in which they exist;
- (g) identify and appraise trends in the development of urban and rural settlements, their impact on the land, the environment and strategies for the consideration of their negative impact;

(h) propose guidelines for the integration of standards of environment protection into development planning and management;

(i) identify and recommend policy and legislative approaches for preventing, controlling or investigating specific as well as general adverse impacts on the land and the environment; and

(j) prioritise areas of land use planning and environmental research and outline methods of using such findings.

Preparation of the zonal land use plans

30. – (1) The Commission shall, in respect of each zone declared under subsection (2) of section 25, update and, where circumstances require, prepare zonal land use plan in respect of that zone.

(2) The provisions of section 29 shall, *mutatis mutandis*, apply to the preparation of zonal land use plans under this section as they apply to the preparation of the national land use framework plan under that section.

(3) A zonal land use plan may be prepared with reference to any land within the zone for the purpose of:

- (a) ensuring orderly use, development and management of land within the zone;
- (b) the provision of land for building and other purposes,
- (c) securing suitable provisions for transportation, utilities and services;
- (d) non-agricultural or pastoral use such as commercial, industrial, residential and recreational uses, including parks, open spaces and reserves; and
- (e) planning, re-planning or reconstructing the whole or part of the area comprised in the plan.

Preparation of regional land use framework plans

31. – (1) The Commission shall, after consultation with the relevant Regional Secretariat–

- (a) within four years of the issue of a notice under section 27 subsection (1), update and, where circumstances require, prepare a regional land use framework plan or plans; and
- (b) every ten years revise such plan or plans; and
- (c) in respect of the region for which the plan is made, the Commission shall ensure the rationalization and incorporation of such plan into the National Land Use Framework Plan or zonal plans as necessary.

(2) The Commission may recommend changes to the regional framework plan, which shall be incorporated in the plan.

(3) In the preparation of a regional land use framework plan, the Commission shall –

- (a) ensure that stakeholders in the region are fully involved in the process, and
- (b) present a draft of the framework plan at a meeting of all stakeholders in the region for discussion and revision.

(4) A regional framework land use plan shall contain any or all of the matters specified in the Second Schedule to this Act, and in particular shall prepare:-

- (a) a statement of policies and proposals with regard to the allocation of resources for development within the area;
- (b) such description and analysis of the condition of development in the area as may be necessary to explain and justify the statement of policies and proposals;
- (c) a description of the present and projection of future land uses and development in the area; and
- (d) such data and other information as the Commission may deem necessary.

32. – (1) Every district land use planning authority shall–

- (a) within three years of the issue of a notice under section 26 (1), prepare a district land use framework plan in respect of the district of which it is established;
- (b) when the need arise, revise such plan,

Preparation of District plans

and shall submit such plan to the Regional Secretariat for rationalization and incorporation into the regional land use framework plan proposed under section 31.

(2) The Regional Secretariat may recommend changes to the district land use plan which shall be incorporated in the plan before it is approved.

Preparation of village plans

(3) In the preparation of the district land use framework plan, the district planning authority shall-

- (a) ensure that all stakeholders in the area are fully involved in the process; and
- (b) present a draft of the framework plan at a meeting of all stakeholders in the district for discussion and revision.

(4) Every district land use plan prepared under this section shall contain provisions dealing with matters provided for in sub-section (4), of section 31 in relation to their respective district.

33. – (1) Every village land use planning authority shall, within two years of the issuance of a notice under subsection (1) of section 27:–

- (a) in respect of the village for which it is established, prepare a village land use plan and submit such plan to the district planning authority for rationalization and incorporation into the district land use plan proposed under section 32; and
- (b) in respect of resources shared with other villages, prepare jointly with other villages planning authorities, a village resource management sector plan and submit such plan to the district planning authority for rationalisation and incorporation into the district land use framework plan proposed under section 32; and where the villages belongs to different districts, shall submit to its respective district, which shall consider them jointly.

(2) The district land use planning authority may propose changes to the village land use or resource management sector plan, which shall be incorporated in the plan before it is approved.

Preparation of District plans

(3) In the preparation of village land use or resource management sector plans, village planning authorities shall:–

- (a) determine the time frame with respect to which any particular plan shall be prepared or revised;
- (b) ensure that all stakeholders in the village are fully involved in the process; and
- (c) present a draft of the plan at a meeting of all stakeholders in the village or villages concerned for comment, discussion and revision before submission to the District Council for adoption and to the Village Assembly or Assemblies for approval.

(4) Every village land use or resource management sector plan prepared under this section shall:–

- (a) contain provisions dealing with matters set out in Part A of the third schedule to this Act in relation to their respective village or villages; and
- (b) be prepared in accordance with procedures set out in Part B of the third schedule to this Act.

(5) For the purpose of this section, the village land use shall include plan of minor settlements or trading centres referred to in the sixth schedule to this Act.

34. – (1) National, zonal, regional and district land use plans shall be submitted to the Minister for approval and on respect thereof, the Minister may approve them either unconditionally or subject to such conditions or modifications as he may consider necessary, or may refuse approval in which case he may require the relevant authority to prepare a new plan for his approval taking into account the proposed modifications or the grounds of his refusal.

Publica-
tion of
plans

(2) All land use plans prepared in respect of any area of reserved land shall be approved in accordance with the law reserving such land, and in the absence of such law, by the Minister.

(3) Any plan submitted to the Minister under subsection (1) or (2) for his approval, shall be approved by him within sixty days from the date the plan is submitted to him.

Approval
of
national,
zonal,
regional
and
district
plans

(4) Where the Minister refuses to approve a plan under subsection (3), he shall, in writing and within such period, furnish the relevant planning authority with the reasons for such refusal.

Custody
of plans

35. – (1) Village land use plans shall be submitted to Village Assemblies for approval and on receipt thereof may be approved subject to such conditions or modifications as they may consider necessary, provided that resource sector management plans shall be approved by the relevant Village Assemblies meeting in joint session for the purpose.

(2) Any plan submitted to the Village Assembly under subsection (1) may be approved within ninety days from the date of submission of the plan unless the Assembly refuses such approval.

(3) Where the Village Assembly refuses to approve the plan it shall, in writing and within fourteen days, notify the Ward Development Committee and the District Council of such refusal.

36. The Minister shall –

- (a) within fourteen days after he has approved a plan under sections 34; and,
- (c) as soon as a plan has been approved by the Village Assembly under Section 35,

where practicable, cause to be published, a notice to the effect that the plan has been approved with or without modification and may be inspected at the places and times specified in the notice during normal working hours.

Approval
of
Village
and
Resource
Sector
Plans

37. – (1) All plans approved by the Minister or the Village Assemblies under sections 34 and 35 and published under section 36, shall be kept by the relevant planning authority and may be inspected by, or availed to the public on request during reasonable hours on payment of such fee as may be prescribed by the Minister.

(2) Copies of all plans published under section 36 shall be sent to the Director-General, for custody.

38. – (1) Subject to the provision of this section, the Commission may, in such manner as may be prescribed, submit to the Minister proposals for the revocation or modification of an approved plan on any of the following grounds -

- (a) that there are practical difficulties in the execution or enforcement of the approved plan;
- (b) that there has been a change of circumstances including change of use since the plan was approved;
- (c) that stakeholders, with good reason, demand it; and
- (d) that subsequent reviews and evaluations require it.

(2) The Commission shall, by notice published in the *Gazette*, publish the proposed revocation or modification of the approved plan, stating the period within representation or objection to the proposed modification or revocation may be made.

(3) Where after the expiration of the period specified in the notice, no representations or objections have been made to the Commission under subsection (2), it shall submit the approved revocation or modification of the proposed plan to the Minister for his approval.

(4) Where the Minister has approved the proposed revocation or modification, the Commission shall not later than sixty days after the approval, publish in the *Gazette* a notice of such revocation or modification made.

Acquisition of land for planning

PART VI

SPECIAL POWERS OF PLANNING AUTHORITIES

Cap. 118
Cap. 113

Revocation or modification of plans

39. – (1) Where it appears to any planning authority that it is necessary to acquire any land within a planning area or zone for the purposes of preparing a land use plan and the agreement for the acquisition between the planning authority, the holders and occupiers of such land cannot be reached, the planning authority shall cause to be acquired such land in accordance with the procedures, and subject to the conditions stipulated under the Land Acquisition Act, the Land Act or may other law relating to the compulsory acquisition of land.

(2) Without prejudice to the generality of subsection (1) the power of the planning authority shall extend to the acquisition of land which has not been developed in accordance with the plan applicable thereto and which is necessary to acquire such land in order to secure its efficient development or the proper, orderly and continuous development of a planning area or zone or any part of it or for the development of neighbouring land, and before acquiring any land the planning authority shall ensure itself that the user or occupier of such land has taken no reasonable steps to develop such land in accordance with the provisions of the plan applicable thereto.

(3) Without prejudice to the provisions of any other written law relating to the compulsory acquisition of land the –

- (a) purposes for which land may be acquired under the provisions of this Act shall be demand to be a public land; and
- (b) planning authority shall exercise the power of acquisition as if it were the authority in which the power of compulsory acquisition is vested under that other law.

Demarcation, subdivision and consolidation

Cap. 390

40. – (1) Except upon application made in the prescribed form and prior approval by the relevant planning authority, no land shall be adjudicated, demarcated, subdivided or consolidated in accordance with the requirements of a plan approved in relation to that area or zone under this Act.

(2) The demarcation and subdivision plans shall be prepared and submitted for approval in accordance with the provisions of the Land Survey Act.

(3) Where in the opinion of a planning authority an application in respect of development, change of use, subdivision, demarcation or consolidation has impact on contiguous land or does not conform to any conditions registered against the certificate of title to the property, the planning authority shall, at the expense of the applicant, publish the notice of the application in the *Gazette* or in such other manner as it deems expedient, and shall serve copies of the application on every user or occupier of the property adjacent to the land to which the application relates and to such other persons as it may deem fit.

(4) Where the planning authority receives an objection or representation in connection with an application made under subsection (1), the authority shall notify the applicant of such objections or representations and shall, before determining the application afford the applicant an opportunity to make representations in response to such objections or representations.

(5) Planning authority may approve with or without such modifications and subject to such other conditions as it may deem fit refuse to approve an application, made under subsection (1).

(6) Subject to the provision of any other written law relating to the administration of land, no demarcation, sub-division or consolidation of land, shall be effected without regard to the requirements of existing land use plans.

41. Where, it appears to any land use planning authority that it is necessary to re-arrange any parcel of land in or re-adjust the boundaries of land within any planning area for the purpose of securing its use in the manner provided for in the relevant land use plan, and that, agreement between the planning authority and the landholders or occupiers of such land cannot be reached, the planning authority may acquire such land pursuant to section 40 for purposes of effecting the re-arrangement or re-adjustment,, but such land shall, after such re-arrangement or re-adjustment forthwith be reconvened to the landholders or occupiers.

42. – (1) Where in the process of planning it becomes necessary that the tenure rights of landholders and occupiers be readjusted, a planning authority may, with the consent of the landholders and occupiers concerned and subject to the approval of the land registrar, propose a scheme of the re-adjustment of tenure rights.

(2) A tenure rights re-adjustment scheme shall specify the–

Re-arrangement and re-adjustment of land

Readjustment of tenure rights

- (a) nature of existing tenure rights held by landholders and occupiers in such area;
- (b) manner in which those rights are to be readjusted or modified, and
- (c) extent of compensation claims if any, arising from re-adjustment and how to deal with such claims.

(3) Where a consent of the holder and occupier cannot be obtained so as to facilitate re-adjustment, the provisions of section 43 shall mutatis mutandis apply to re-adjustment of tenure rights under this section, as they apply to rearrangement and re-adjustment of land under that section.

43. – (1) Subject to subsections (2) and (3), any person authorized in writing by the Director-General or a relevant planning authority shall have the right to enter upon any land or premises during the working hours with such persons, vehicles, materials and instruments, to do all such acts, as are necessary for or incidental to the exercise of the powers conferred, or the performance of the duties imposed by this Act.

(2) A person shall not have the right to enter any land premises until after the expiration of forty eight hours after a notice of entry has been served on the holder or occupier of such land or premises.

Issuance
of
statutory
easement

(3) The holder or occupier of any land or premises affected by the exercise of a right of entry under subsection (1) shall be entitled to compensation for any damage caused by the person entering upon the land or premises, provided that nothing done by any person duly authorized in the bona fide execution or purported execution of his functions under this section shall make such person personally liable for any claim arising in respect thereof.

(4) Any person who hinders or obstructs an authorized person in the exercise of any of the powers conferred by subsection (1), commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

44. – (1) A planning authority may apply to the Tribunal for the issuance of a statutory easement if this would enhance its planning activities in any easement area or zone.

Power
of
entry

- (2) The grant of a statutory easement shall specify the –
 - (a) nature of the easement;
 - (b) land to be benefited or burdened; and
 - (c) rights and obligations of parties.

(3) An easement may be imposed on, and shall be attached to the burdened land in perpetuity or for a specified period of time or for an equivalent interest under customary law as the Tribunal may determine.

PART VII

COMPLIANCE, ENFORCEMENT AND CO-ORDINATION

45. – (1) An approved plan published under section 38 shall apply to the area or zone to which it relates, whether or not it is embodied in a local government authority by-law, and every person, agency or the relevant planning authority shall comply with the requirements of the approved plan.

Status
and
Enforce-
ment of
plans

(2) Upon approval of plan and, unless the planning authority otherwise determines, no development shall take place on land unless it is conformity with the approved plan.

46. Notwithstanding the provisions of any other written law, every planning authority shall have the power to–

Control
of land
use

Issues of
enforce-
ment
notices

- (a) control or restrict particular uses of land if this is in the interest of proper and orderly development of the planning area or zone;
- (b) control or restrict the subdivision of land or existing parcels into smaller areas;
- (c) ensure the proper execution and implementation of approval plans;
- (d) make by-laws to regulate existence and density of development in the planning area;
- (e) reserve and maintain all the land planned for open spaces, parks, wetlands, urban forests and green belts in accordance with the approved plan; and
- (f) subject to any relevant law, require all land users to submit environmental impact statements approved by a competent national authority in respect of, and before the commencement of any development carried out in a planning area or zone.

47. – (1) Any landholder or occupier of land shall take all steps necessary to ensure voluntary compliance with the aspects of an approved plan that are relevant to activities carried out on the land he holds or occupies.

(2) The Minister may, in consultation with a relevant minister, establish a scheme to be administered by planning authorities for the facilitation of voluntary compliance under this section.

Voluntary
Compli-
ance

(3) The scheme established under sub-section (2), may include:

- (a) the provision of tax incentives;
- (b) the provision of financial support for capital development;
- (c) assistance with infrastructural support; and
- (d) extension services.

(4) Where a scheme is established in accordance with this section, it shall be the responsibility of planning authorities to design mechanisms for the proper administration of such a scheme in their various areas of jurisdiction.

48. – (1) Where it comes to the notice of a planning authority that the development of land has been, or is being carried out after the commencement of this Act, otherwise than in accordance with the applicable land use plan, the planning authority may serve an enforcement notice on the owner, occupier or developer of that land.

- (2) An enforcement notice shall specify the –
 - (a) development alleged to have been carried out in a manner contrary to the provisions of the plan;
 - (b) conditions of development required by the plan that have been contravened and such measures as are required to be taken within the period specified in such notice to restore the land to its original condition before the development took place; or for securing compliance with those conditions as the case may be; and
 - (c) demolition or alteration of any building or works, the discontinuance of any use of land or the construction of any building or the carrying out of any other activities.

Failure to comply with enforcement notice

(3) Unless an appeal has been lodged under section 53, an enforcement notice shall take effect after the expiration of such period as may be specified in the notice.

49. – (1) Where, within the period specified in the enforcement notice or within such further period as the authority may determine, any measures required to be taken, other than discontinuation of any use of land, have not been taken, the authority may enter the land and take those measures and may, without prejudice to any penalties that may be imposed or any other action that may be taken under this Act, recover from the person on whom the enforcement order is served, any expenses reasonably incurred by it in connection with the taking of the measures.

(2) Where pursuant to a measure taken, no person has lodged an appeal under section 53, that person shall not be entitled to question the validity of any action taken in this section, upon any grounds that could have been raised in such appeal.

Power to prosecute

(3) Where an authority has taken action under section 51 and this section, any material removed by it from the land in pursuance of such action shall, unless the owner claims and removes such material within thirty days, be sold and the proceeds, after deduction of any expenses reasonably incurred by the authority in connection with such action and sale, be paid to the owner.

Cap 20

(4) Any person who obstructs, or otherwise interferes with an authority in the execution of its functions under section 51 and this section, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

50. – (1) The Director-General shall have power to appoint an authorized officer or an inspector who may, subject to the consent of the Director of Public Prosecutions, conduct prosecution for any offence under this Act or regulations made under this Act and shall, for that purpose have all the powers conferred upon a public prosecutor by the Criminal Procedure Act.

(2) An authorized officer or inspector appointed under subsection (1), shall be a legally qualified person.

Enforcement
powers
the of
Minister

Appeals
against
enforce-
ment

Issues
and
content
of land
restora-
tion
order

Effects
of land
restora-
tion
Order

51. Where the Minister has received an inspection report and if he is satisfied that the relevant planning authority has failed to do so, may in writing, direct the planning authority to take such action as he considers appropriate in order to ensure that the provisions of sections 50 and 51 are complied without delay on the part of any person.

52. – (1) Any person who is aggrieved by the service of an enforcement notice under section 50 may, within the period specified therein, appeal to a Tribunal under section 60.

(2) Any development affecting any land to which an enforcement order has been served shall be discontinued and execution of the enforcement notice stayed pending determination of appeal.

53. – (1) Subject to the provisions of this Act, a planning authority may issue and serve on any person a land restoration order in respect of any matter relating to the management or use of land.

(2) A land restoration order shall specify clearly in a manner which may be easily understood-

- (a) the activity to which it relates;
- (b) the person to whom it is addressed;
- (c) the time it shall come into effect;
- (d) the action which shall be taken to remedy the harm to the land and the time, being not more than thirty days or such further period as may be prescribed in the order, within which the action shall be taken;
- (e) the powers of the planning authority to enter any land and undertake the action specified in paragraph (d);
- (f) the penalty which may be imposed if the action specified in paragraph (d) is not undertaken; and
- (g) the right of the person served with the order to appeal to the Tribunal against the order.

(3) A land restoration order may contain such terms and conditions, and impose such obligations on the persons to whom it is served as will, in the opinion of the planning authority, enable the order to achieve all or any of the purposes provided for in section 50.

54. – (1) A land restoration order under section 54 or 57 may –

- (a) require the person to whom it is served to restore the land as near as it may be to the state in which it was, before the taking of the action which is the subject of the order;
- (b) prevent the person to whom it is served from taking any action which would or is reasonably likely to cause harm to the land;
- (c) award compensation to be paid by the person to whom it is served to other persons whose land or livelihood has been harmed by the action which is the subject of the order; and
- (d) levy a charge on the person to whom it is served which in the opinion of the planning authority represents a reasonable estimate of the costs of any action taken by an authorized person or organisation to restore the land to the state in which it was before the taking of the action which is the subject of the order.

- (2) Without prejudice to the generality of subsection (1), a land restoration order may require a person to whom it is served to –
- (a) take such action as shall prevent the commencement or continuation of any activity that may cause pollution;
 - (b) cease or take any action which is causing or may contribute to the causing of pollution;
 - (c) remove or alleviate any injury to land, the environment or to the amenities of the area;
 - (d) restore land, including replacement of soil, the replanting of trees and other flora; and the restoration as far as may be possible of outstanding geographical, archaeological or historical features of the land or the area contiguous to the land as may be specified in the particular order;
 - (e) prevent damage to the land, aquifers beneath the land and flora and fauna in, on or under or about the land or the environment contiguous to the land specified in the order;
 - (f) remove any waste or refuse deposited on the land specified in the order and dispose of the same in accordance with the provision of the order; and
 - (g) pay any compensation specified in the order.

(3) In exercising its power under this section, the planning authority shall –

- (a) be guided by the principles of good land use in accordance with the provisions of this Act;
- (b) explain the right of appeal of the persons against whom the order is issued to a Tribunal or if dissatisfied with the decision of a Tribunal, to the High Court; and
- (c) seek and take into account any technical, professional and scientific advice which it considers necessary for a satisfactory decision to be made on a land restoration order.

(4) The land use planning authority may inspect or cause to be inspected any activity to determine whether that activity is harmful to the land and may take into account the evidence obtained from that inspection in any decision on whether or not to serve a land restoration order.

(5) It shall not be necessary for a land use planning authority or its officers in exercising powers under subsection (4), to give any person conducting or involved in the activity which is the subject of the inspection, or who is residing or working on or developing land on which the activity which is the subject to the inspection is taking place, an opportunity of being heard by or making representation to the person conducting the inspection.

(6) A person served with a land restoration order shall, subject to the provision of this Act, comply with all the terms and conditions or the order that has been served on him.

55. – A person upon whom a land restoration order has been served may, within twenty-one days after the restoration service of the order, in writing request the planning authority to reconsider that order.

56. – (1) Without prejudice to the powers of a planning authority, the Tribunal may in proceedings commenced before it, issue a land restoration order against a person who has harmed, is harming or is reasonably likely to harm the land.

Monitoring and evaluation of land use

(2) For the avoidance of doubt, it shall not be necessary for a complainant under this section to show that he has a right or interest in the property, environment or land alleged to have been or is likely to be harmed.

57. – (1) The Commission shall, in consultation with the relevant land use planning authorities and lead agencies, monitor and evaluate:

Appeals to Tribunals or High Court

- (a) all land use and environmental phenomena with a view to making assessment of any possible change in the environment and the possible impacts; and
- (b) the operation of any industry, project or activity with a view to determining its immediate and long term effects on the land.

(2) An officer appointed under this Act may enter upon any land or premises for the purpose of monitoring the effect upon the land of any activities carried out on that land or premises.

58. – (1) An individual or group of persons aggrieved by the—

- (a) terms of an approved land use plan under this Act;
- (b) imposition of any condition, limitation or restriction in a land use plan under this Act;
- (c) revocation, suspension or variation of land use plan under this Act;
- (d) assessment of the amount of compensation to be paid in respect of any acquisition of land or interest therein under this Act;
- (e) amount of money required to be paid as a fee under this Act;
- (f) imposition of an enforcement order;

may appeal to the Tribunal having jurisdiction over land matters within the planning area or to the High Court.

(2) Notwithstanding the generality of subsection (1), appeals under this section shall, in the case of matters arising from –

- (a) village land use plan, be lodged with the village Land Council;
- (b) district land use plans, be lodged with the District Land and Housing Tribunal; and
- (c) regional, zonal and national land use plans, be lodged with the High Court (Land Division)

(3) Unless otherwise expressly provided in this Act, where this Act empowers the Director-General, the Commission or planning authorities to make decisions, such decisions may be subject to an appeal to the Tribunal or to the High Court in accordance with such procedures as may be established for that purpose.

Decision of High Court and Tribunals

59. – (1) Upon any appeal, the Tribunal or the High Court may –

- (a) confirm, set aside or vary the order or decision;
- (b) exercise any of the powers which could have been exercised by the authorities in the proceedings in connection with which the appeal is brought; and
- (c) make such other order, including an order for costs, as it may deem just.

(2) Upon any appeal to the Tribunal or High Courts the status quo of any matter or activity, which is the subject of appeal, shall be maintained until the appeal is determined.

(3) Notwithstanding the provisions of subsection (3) of section 59, where the Director-General is satisfied that immediate action is required to avert serious injury to the land or environment he may take such reasonable action to stop, alleviate or reduce such injury, including closing down any undertaking, until the appeal is finalized or the time for appeal has expired.

Further
appeals

60. – (1) Any person who is aggrieved by a decision or order of a Tribunal may, within thirty days of such decision or order-

- (a) in the case of a decision order of the Village Land Council, appeal to the Ward Tribunal;
- (b) in the case of a decision or order of the Ward, or Land and Housing Tribunal, appeal to the High Court (Land Division); and
- (c) in the case of a decision or order of the High Court (Land Division) appeal to the Court of Appeal.

(2) No decision or order of a Tribunal or Court shall be enforced until the time for lodging an appeal under this section has expired or, where the appeal has been commenced, until the appeal has been determined.

(3) Upon the hearing of an appeal under this section, a Tribunal or the Court may confirm, set aside or vary the decision or the order.

PART VIII OFFENCES AND PENALTIES

61. – (1) Any person who—
 (a) violates the terms and conditions of an approved land use plan; or
 (b) otherwise contravenes the provisions of this Act,
 commits an offence and shall on conviction be liable to a fine not exceeding two million shillings or imprisonment for a term of three years or to both.

Offences

(2) In addition to any penalty that the Court may impose under subsection (1), the Court may direct that person to—

- (a) comply with the terms and conditions of the plan which he has violated; and
- (b) restore to its original state any land which has been damaged as a result of such violation.

(3) Without prejudice to the provisions of subsections (1) and (2), the Court may direct the offender to meet the cost incurred by any third parties as a result of such violation through adequate compensation, restoration or restitution.

(4) Any person who-

- (a) fails, neglects or refuses to comply with any land restoration order, made under this Act;

- (b) fails, neglects or refuses to comply with a statutory easement, issued under this Act, commits an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

General
penalty

62. Any person who commits an offence under this Act or regulations made hereunder for which no other penalty is specifically provided, shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART IX MISCELLANEOUS PROVISIONS

Regul-
tions

63. – (1) The Minister may, make regulations prescribing matters that are required or permitted by this Act to be prescribed for giving full effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing-

- (a) issuance, amendment and revocation of any approval;
- (b) the charging of fees and levying of charges;
- (c) adoption in whole or in part with modifications, any rules, standards, guidelines, regulations, by-laws, codes, instructions, specifications, or administrative procedures prescribed by any agency either in force at time of prescription or publication;
- (d) forms to be used under this Act;
- (e) procedures to be followed by the planning authorities in the discharge of their duties under this Act;
- (f) manners in which land may be secured by a planning authority for the purposes of this Act;
- (g) establishment of standards for the discharge of waste on any land; and
- (h) form of any orders and notices to be issued under this Act.

Access
to
records

64. The Director-General or a planning authority may request for the production of, and make extracts from all registers, records, deeds or instruments belonging to, or in the custody or possession of any public officer or any person and in which are contained particulars of any land or property affected by a plan.

Repeals
Cap.116

65. The National Land Use Planning Commission Act, is hereby repealed.

66. – (1) Any approval for development under granted under any building by-laws, given under the provisions of any written law, in force immediately prior to the commencement of this Act; shall be deemed to be development permission granted under this Act; provided that such approval shall cease to have effect unless the development in respect of which approval was given has been commenced within twenty four moths prior to the commencement of this Act.

Savings
and
transi-
tional
provi-
sions

(2) The land use planning functions previously exercised by various authorities under existing or repealed legislations shall stand transferred to the various planning authorities created under this Act.

(3) An application for permission to develop land made to the Commissioner of Lands, any local authority or other planning authority before the commencement of this Act, being an application that has not been determined before such commencement shall, for the purpose of this Act, be deemed to be an application for development permission under this Act.

(4) Persons appointed to the service of any agency under the repealed Act, shall without loss of benefits, retain their service on the staff of agencies of similar jurisdiction established under this Act.

67. The Minister may amend or revoke the Schedules to this Act.

Amend-
ment of
Schedules

FIRST SCHEDULE

(Made under section 6 (3))

PROCEEDINGS OF THE COMMISSION

1. – (1) The Chairman shall convene an ordinary meeting of the board whenever he deems it necessary or expedient, but not less frequently than once in every year for the transaction of the Commission’s business and shall appoint a suitable time, place and date for holding the meeting.

Meeting
of the
Board

(2) The Chairman may at any time on his own initiative convene a special meeting of the Commission or shall convene a special meeting of the Commission within twenty days after he has received a written request to do so signed by not less than four members of the commission.

(3) The Chairman, or when absent, the Vice-Chairman shall preside at the meetings of the Commission and in the absence of both the Chairman and Vice-Chairman the members present at the meeting shall elect one of the members to be chairman of the meeting.

2. The Commission shall elect one of its members to be a Vice-Chairman and any member elected to be Vice-Chairman shall, subject to his continuing to be a member, hold office for a period of one year and shall be eligible for re-election.

Quorum
at meet-
ings of
the
Board

3. – (1) A simple majority of the members of the Commission shall constitute a quorum at any meeting of the Commission.

(2) All matters for consideration by the Commission or acts to be done by the Commission shall be decided a resolution at a meeting of the Commission at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Commission shall be deemed to be a decision of the Commission.

(4) Every member of the Commission shall have one vote, and in the event of an equality of votes, the Chairman shall have a second or casting vote in addition to the deliberative vote.

(5) Notwithstanding the provisions of sub-paragraph (2), where the Chairman so directs, a decision may be made by the Commission without the Commission meeting by circulation of the relevant papers among all the members and requiring each member to express views in writing; but any member may require that a decision to be deferred for consideration at a meeting of the Commission. In such a case, no decision shall be made until there has been a meeting of the Commission.

(6) The validity of any proceedings of the Commission shall not be affected by any vacancy among the membership or by any defect in the appointment of a member.

Minutes
of meet-
ings and
appoint-
ment of
secretary

4. – (1) Minute in proper form of each meeting of the Commission shall be kept, and shall be confirmed by the Commission at the next meeting and signed by the person presiding at the meeting.

- (2) The Registrar shall be the Secretary to the Commission and shall attend and keep minutes of the meetings of the Commission and perform such other duties as the Commission may require or as the Minister may direct.
- Procedure **5.** Subject to this Schedule and any regulations made under the Act, the Commission may regulate its own procedure.
- The seal of the Board **6.** The seal of the Commission shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman and one other member of the Commission.

SECOND SCHEDULE

(Made under section 31)

MATTERS TO BE INCLUDED IN REGIONAL AND DISTRICT LAND USE FRAMEWORK PLANS

1. Existing and proposed land uses.
2. Population growth, projections, distribution and movement.
3. Land potential including distribution of agricultural land potentials, their relative values, population and land imbalance, land tenure and other natural resource endowments.
4. Employment and incomes including characteristics of employment, income distribution, the labour force, potential of the informal sector and their locations.
5. Human settlements including distribution of existing services, growth and pattern of urbanization, cause of primary, and rural-urban migration.
6. Environment degradation status.
7. Alternative development patterns including rural development, urban development and interrelations between urban and rural development.
8. Strategies for human settlements in the area including development of service centres, growth centres, transport and communication network and rural development.
9. Strategies for livelihood with respect to land related resources.
10. Measures for implementation and co-ordination in specific sectors, namely industrial development, housing transportation, health services, education, water supply, sewerage and electricity supply.
11. Areas for small scale industries to produce low costing building materials and increase employment for human settlements development.

THIRD SCHEDULE

(Made under section 33)

MATTERS TO BE INCLUDED IN VILLAGE LAND USE PLANS

Part A: Issues for consideration

1. Existing tenure arrangements land uses and development patterns.
2. Proposals for multiple land use systems to accommodate different land use practices.
3. Participation of local communities and villages in managing their resources.
4. Pattern of rural settlements.
5. Population growth, migration, density and distribution, age, sex, structure and household size.
6. Employment and incomes of the population including where people work, trend and problems encountered in relation to services delivered.
7. Agricultural potential of the rural areas showing various agricultural activities and the problems facing the local communities.
8. General statements on the terrains, soils and climate.
9. Soil survey (land classes, soil texture, erosion, soil suitability).
10. Analysis of social economic data and biophysical data
11. Proposed implementation of existing traditional technologies
12. Potential role of wildlife in local community and village development
13. Potential role of forests in local community development
14. Potential role of minerals and water resources
15. Potential role of livestock in local community development

Part B: Procedures

1. State goals and objectives.
2. Preparations of community action plans for the management of land use.
3. Preliminary activities:-
 - (a) establish or ascertain village boundaries;
 - (b) prepare or update village land use and base maps;
 - (c) motivate villagers on land use planning;
 - (d) mobilise and motivate stakeholders in the village;
 - (e) assemble necessary resources.
4. Organise meetings with Village Council.
5. Agree on broad zoning for land uses and community facilities.
6. Negotiate tenure rights between individuals and the community.
7. Involve stakeholders.
8. Draft and finalise village land use plan.
9. Present draft land use plan to stakeholders for discussion and approval.
10. Establish institutions for evaluation and monitoring.

FOURTH SCHEDULE

(Made under section 19(5))

MEMBERS OF THE TECHNICAL COMMITTEE

(a) Representatives of the Government Ministries Responsible for the following matters

1. Agriculture.
2. Economic Planning and Development.
3. Education.
4. Energy.
5. Environment.
6. Finance.
7. Fisheries.
8. Health.
9. Industry.
10. Investments.

11. Law and law Enforcement.
12. Local Government Authority.
13. Mining.
14. Natural Resources.
15. Public Administration.
16. Public Works.
17. Research and Technology.
18. Tourism.
19. Water Resources.
20. Lands and human Settlements Development.
21. Labour.
22. Information.
23. Livestock.
24. Community Development Gender and Children.

(b) Representatives of the following institutions

1. Two representatives, being one each from public and private institutions of higher learning.
2. Tanzania Bureau of Standards.
3. Tanzania Forestry Research Institute.
4. Tanzania Marine Research Institute.
5. National Medical Research Institute.
6. Tanzania Wildlife Research Institute.
7. Commission of Science and Technology.
8. National Museums of Tanzania.
9. National Radiation Protection Commission.
10. Tanzania Pesticides Research Institute.
11. National Environment Management Council.

FIFTH SCHEDULE

(Made under section 19(6))

MATTERS FOR CONSIDERATION BY THE TECHNICAL COMMITTEE

1. How to establish criteria and procedures for the assessment of land quality
2. Minimum land quality standards for all land in Tanzania and for different uses, including:
 - (a) land for agricultural use;
 - (b) land for recreational use;
 - (c) land for planned settlements;
 - (d) land for waste disposal;
 - (e) land for wildlife use;
 - (f) land for protective and productive forests, and
 - (g) land for livestock and pastoralism;
 - (h) land for minerals and water resources use;
 - (i) land for industrial use.
3. Guidelines or regulations for the preservation of land where the land may need special protection.
4. Areas of research on the effects of land pollution on the environment, human being and fauna.
5. Measures necessary for the treatment of effluents before being discharged into the sewerage systems.

6. Modalities for the management of common resources.
7. Criteria for inter-sectoral consultation and coordination.
8. Guidelines for joint decision making by planning agencies on matters of common concern.
9. Guidelines for monitoring and evaluation of approval plans.

SIXTH SCHEDULE

VILLAGE

(Made under section 18)

There shall be two categories of human settlements in the rural area, namely –

1. A settlement with a population of less than 10,000 people shall be regarded as a village.
2. A Minor Settlement (Trading Centre). Some villages act as trading centres according to the level of services available. To qualify for a trading centre a village settlement shall have at least:-
 - (a) 5 retail shops and a market place;
 - (b) a primary school;
 - (c) a dispensary;
 - (d) a post office.

Passed in the National Assembly on the 12th April, 2007,

DAMIAN S.C. FOKA,
Clerk of the National Assembly