

Land (Disposition of Right of Occupancy)

GOVERNMENT NOTICE No. 74 published on 4/5/2001

THE LAND ACT
(No. 4 OF 1999)

**THE LAND (DISPOSITION OF RIGHT OF OCCU-
PANCY) REGULATIONS, 2001**

(Made under sections 37 and 179)

1. These Regulations shall be cited as the Land (Dispositions of Rights of Occupancy) Regulations 2001. Citation

2. In these Regulations, unless the context otherwise requires - Interpretation
"Act" means the land Act, 1999;
"Authorized officer" has the meaning ascribed to it by the Act;
"Commissioner" means the Commissioner for Lands;
"disposition" has the meaning ascribed to it by the Act.

3. The following dispositions shall require approval under the Act - Approval
 - (a) assignment of a right of occupancy which was granted to the assignor less than three years before the proposed assignment is to take effect;
 - (b) a loan granted on the security of every mortgage of a right of occupancy or mortgage of a lease;
 - (c) partition of land granted under a right of occupancy;
 - (d) creation of an easement;
 - (e) transfer;
 - (f) sale;

Land (Disposition of Right of Occupancy)

G.N. No. 74 (contd.)

- (g) grant;
- (h) surrender.

4.-(1) For the purposes of this regulation the term "assignment" shall not include "transfer". No approval

(2) The following dispositions shall not require approval under the Act:

- (a) an assignment of a right of occupancy which was granted to the assignor three years or more before the proposed assignment is to take effect;
- (b) a mortgage of a right of occupancy or mortgage of a lease by a prescribed lender;
- (c) a sale of mortgaged land or mortgaged lease by a mortgagee in the exercise of the power of sale under Section 131 of the Act;
- (d) a lease of a mortgaged land or mortgaged lease by a mortgagee in the exercise of power lease under 128 of the Act;
- (e) a lease;
- (f) an exchange;
- (g) a grant of unfructuary rights; and
- (h) a disclaimer.

4.-(1) Where approval for any disposition is required under these regulations it shall be the duty of the holder of right of occupancy and the intended assignee or mortgagee as the case may be to apply for such approval. Obligation to apply for approval

(2) Every application for a grant of approval for a disposition -

- (a) shall be made on a prescribed form;
- (b) signed by all the applicants;

Land (Disposition of Right of Occupancy)

G.N. No. 74 (contd.)

- (c) shall be accompanied by the certificate of occupancy, or letter of offer three sets of the deed of disposition and evidence of payment of all rent, taxes, and dues owned to the Government in respect of the land in the current financial year;
- (d) shall be submitted to an authorized officer of the areas in which he is situate.

Dar es Salaam,
3rd May, 2001

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