

Land (Function of Authorised Officers)

GOVERNMENT NOTICE NO. 76 published on 4/5/2001

THE LAND ACT
(No. 4 OF 1999)

**THE LAND (FUNCTIONS OF AUTHORISED OFFICERS)
REGULATIONS, 2001**

(Made under section 179)

1. These Regulations shall be cited as the Land (Functions of Authorised Officer) Regulations, 2001.

2. In these Regulations unless the context otherwise requires:-

“Act” means the Land Act, 1999;

“Authorized Officers” has the meaning ascribed to it by section 2 of the Act;

“Commissioner” means the Commissioner for Lands;

3. The function of the Commissioner prescribed under the provisions of the Act as shown in the first column are the delegated functions of any authorized officer as set out in the second column of the First Schedule to these Regulations.

4.-(1) Every authorized officer shall in addition to the delegated functions perform the functions as shown in the Second schedule.

(2) Notwithstanding the provisions of regulation 3 and subregulation of this regulation, an authorized officer may

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G.N. No. 76 (contd.)

- (a) Advise the Commissioner and local government authorities with regard to all his functions under the act;
 - (b) Perform any other function which the Commissioner may authorize in writing
5. Whenever an authorized officer is required by the Act to make a determination affecting or likely to affect the right of any person and makes a determination which is adverse to that person he/she shall give that person reason or reasons for that determination
6. No authorized officer shall exercise any functions in any matter concerning land in which he/she or any member of his/her immediate family has an interest
7. Every authorized officer who is a secretary of a Land Allocation Committee shall, not later than four months after the end of each financial year, submit to the Commissioner an annual report on the delegated functions.
8. Every authorized officer working in a local Authority with directors and have regard to circulars of the Commissioner shall comply to the directions of and answerable to the Commissioner.
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|--|----------------------------|
| | Reasons for determination |
| | Conflict of Interest |
| | Annual Report |
| | Answerable to Commissioner |

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FIRST SCHEDULE--(Regulation 3)

DELEGATED FUNCTION

<i>Section</i>	<i>Statement of Functions</i>
5	To receive representations on proposed transfer of general or reserved land to village land and to prepare a report thereon
7	To receive representations on proposed declaration of hazardous land and to prepare a report thereon
25	To receive applications for rights of occupancy and to maintain register of applications
27	To sign letters of offer of right of occupancy subject to gazzette ment
31,33	To require premium and rent
32	To sign letter of offer for renewal of a Right of Occupancy subject to gazzette ment
35	To receive application for change of use
36	To receive and endorse notifications of dispositions of rights of occupancy
37	To approve dispositions
38	To issue notice to parties to a disposition

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39	To receive applications for grant of approval for disposition
42	To receive and forward surrender of rights of occupancy to Commissioner for Lands
43	Notification of determination of surrender to the Occupier
45 - 47	All functions relating to breach of conditions of right of occupancy and signing of notice of revocation
51	To sign and publish notice of abandonment of land and to sign declaration of abandonment of land
53	To receive applications for certificate of validation and to sign and issue certificates of validation
59	To give publicity to scheme of regularization
151	To propose creation of wayleave
152,153	To receive applications for communal right of way and wayleave and to complete form for creation of wayleave
153	To propose creation of public right of way
168	To order substituted service
169	To publish notices in newspapers and the Gazette

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170	Exercise powers to enter and inspect any land
171	Exercise power to call for information from an occupier
175	To sign and serve notice on any person in unlawful occupation of land, and to require such person to vacate the land
176	To make and sign order requiring any person to remove obstruction on any public right of way

SECOND SCHEDULE – (regulation 3)

ADDITIONAL FUNCTIONS

- (a) to assist any person appointed under section 18 to hold an inquiry under Ss. 5, 58 and 154 of the Act.
- (b) to identify and recommend to the Commissioner the land to be designated for investment purposes under S. 20 of the Act
- (c) to recommend to the Commissioner conditions to be imposed on rights of occupancy under S. 34 of the Act
- (d) to recommend to the Commissioner ceiling on land occupancy under S. 21 of the Act
- (e) to recommend to the Commissioner areas to be declared areas of regularization under S. 58 of the Act

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- (f) to receive and to forward to the Commissioner views, representations and objections from members of the public under sections 58 and 154 of the Act
- (g) to make necessary arrangements for the assessment of compensation that may be payable under sections 5, 7, 22, 34, 49, 54,60, 156 or any other provision of the Act
- (h) to receive applications or claims for compensation under Sections 5, 7,22, 34,49,54, 60, 156 or any other provision of the Act and to forward such applications to the Land Compensation Fund;
- (i) to receive applications or claims for compensation under Section 156 of the Act and to forward such applications to the relevant non-governmental corporate body, association or group of persons in whose favour a public right of way is created.
- (j) to provide information and guidance of a general character either orally or in writing to members of the public in connection with land matters and the implementation of the Act S. 13 (1).
- (k) To provide information and assistance to relevant state officials for the prosecution of offenders under Ss. 15, 177 and 178 of the Act.

Dar es Salaam,
3rd May, 2001

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