

Land (Conditions of Rights of Occupancy)

GOVERNMENT NOTICE NO. 77 published on 4/5/2001

THE LAND ACT
(No. 4 of 1999)

**THE LAND (CONDITIONS OF RIGHTS OF
OCCUPANCY) REGULATIONS, 2001**

(Made under sections 34 and 179)

- Citation 1. These Regulations shall be cited as the Land (Conditions of Rights of Occupancy) Regulations 2001.
- Interpretation 2. In these Regulations, unless the context requires otherwise –
“Act” means the Land Act, 1999;
“authorized officer” has the meaning ascribed to it by the Act;
“Commissioner” means the Commissioner for Lands;
“peri-urban area” has the meaning ascribed to it by the Act;
Cap. 378 “planning area” has the meaning ascribed to it by the Town and Country Planning Ordinance;
“occupier” means the holder of a granted right of occupancy;
Cap. 378 “re-development area” has the meaning ascribed to it by the Town and Country Planning Ordinance;
“urban area” has the meaning ascribed to it by the Act.
- Express conditions 3. Every right of occupancy shall be subject to any development or other conditions which may be prescribed or the Commissioner may impose and which are not inconsistent with the Act.
- Boundaries 4. Every occupier shall maintain and repair any boundary mark made or erected by or under the direction of any Government department or in the course of or for the purpose of a Government survey and which demarcates the boundary or the land held by him under a granted right of occupancy or lies within the area thereof.

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5. Every occupier shall be responsible for the protection of all beacons on the land held by him under a granted right of occupancy throughout the term of the right. Any missing beacon will have to be re-established at the occupier's expense.

Beacons

6.-(1) Where the land the subject of a granted right of occupancy in a Planning area or in any urban or peri-urban area is undeveloped land or land in a redevelopment area the occupier thereof shall apply for planning consent under the Town and Country Planning (Application for Planning Consent) Regulations 1960, and shall apply for a building permit under the Township (Building) Rules, 1953 within six months of the grant of the right of occupancy and shall use the land in conformity with the Town and Country Planning (Use Classes) Regulations, 1960.

User

G.N. No. 505 of 1960

G.N. No. 8 of 1953

G.N. No 505 of 1960

(2) A right of occupancy for agricultural or pastoral or mixed agricultural and pastoral purposes or any other purpose shall be used for that purpose and no other purpose.

7. Every right of occupancy of land for agricultural purposes shall be subject to the terms and conditions to the following effect, namely -

Right of
occupancy for
agricultural
purposes

- (a) that the occupier will during the first year of the term of the right of occupancy fully cultivate one eighth of the total area of the arable land subject to the right of occupancy to the satisfaction of the Commissioner and during each of the next four years of such term will fully cultivate a further one-eighth of the total area of such arable land in like manner as aforesaid;
- (b) that the occupier will at all times during the term of the right of occupancy have and maintain fully cultivated to the satisfaction of the Commissioner all areas which he

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is required to cultivate under condition (a) set out in this regulation amounting, in the fifth year of such term and thereafter, to five-eighths of such arable lands.

Right of
occupancy
for pastoral
purposes

8. Every right of occupancy of land for pastoral purposes shall be subject to the terms and conditions to the following effect, namely -

- (a) that the occupier will during the first year of the term of the right of occupancy fully stock with his own cattle one-seventh of the total area of the land the subject of the right of occupancy to the satisfaction of the Commissioner, and during each of the next four years of such term fully stock a further one-seventh of the total area of such land with his own cattle in like manner as aforesaid;
- (b) that the occupier will at all times during the term of the right of occupancy have and maintain fully stocked with his own cattle to the satisfaction of the Commissioner all areas which he is required to stock under condition (a) set out in this regulation amounting in the fifth year of such term and thereafter to five sevenths of the total area of such land.

Right of
occupancy for
mixed
agricultural
and pastoral
purposes

9. Every right of occupancy of land for mixed agricultural and pastoral purposes shall be subject to the terms and conditions to the following effect, namely -

- (a) that the occupier will during the first year of the term of the right of occupancy fully cultivate one-fiftieth, and fully stock with his own cattle one-tenth of the total area of the land subject to the right of occupancy to the satisfaction of the Commissioner, and during each of the next four years of such term will fully cultivate a further one-fiftieth, and will fully stock with his own cattle a further one-tenth of the total area of such land in like manner as aforesaid;
- (b) that the occupier will at all times during the term of the right of occupancy:

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- (i) have and maintain fully cultivated to the satisfaction of the Commissioner all areas which he is required to cultivate under condition (a) set out in this regulation amounting in the fifth year of such term and thereafter to one-tenth of the total area of the land to which the right of occupancy relates; and
- (ii) have and maintain fully stocked with his own cattle to the satisfaction of the Commissioner all areas which he is required so to stock under condition (a) set out in this regulation amounting in the fifth year of such term and thereafter to one-half of the total area of the land to which the right of occupancy relates.

10. Every right of occupancy of land for agricultural purposes or for pastoral purposes or mixed agricultural and pastoral purposes shall be subject to the term and condition that the occupier will reside on the land the subject of the right of occupancy or within such distance of it as is reasonably consistent with the personal supervision and management of the same by the occupier, Provide that whenever the occupier is not or will not be so resident a manager employed by him shall reside on such land or within such distance of it as is reasonably consistent with the personal supervision and management of the same by such manager.

Residence

11. Every occupier shall do everything necessary to, preserve the environment, protect the soil, preserve soil fertility, plant trees, prevent soil erosion and to use the land so as not to cause soil erosion outside its boundaries and to do all things which may be required by the authorities responsible for environment.

Environment

Dar es Salaam,
3rd May, 2001

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