

GOVERNMENT NOTICE NO. 82 published on 4/5/2001

THE LAND ACT
(No. 4 OF 1999)

THE LAND (MANAGEMENT OF THE LAND
COMPENSATION FUND) REGULATIONS, 2001

(Made under sections 173 and 179)

Citation

1. These Regulations shall be cited as the Land
(Management of the Land Compensation Fund)
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
section 2 of the Act”;

“Board” means the Board of Trustees of the Fund;

“Commissioner” means the Commissioner for Lands;

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“CPC” means the Civil Procedure Code, of 1966;

Act No.49 of 1966

“Government” means the Government of the United Republic of Tanzania;

“the Fund” has the meaning ascribed to it by the Act;

“Land Division of the High Court” has the meaning ascribed to it by the Act;

“Minister” means the Minister responsible for lands;

“Ministry” means the Ministry of Lands and Human Settlements Development.

3. The Board shall consist of –

Composition of
the Board of
Trustees

(a) a Chairman, who shall be appointed by the President

(b) one person with a professional or academic qualification in law or land valuation

(c) Director for Local Government from President Office – Regional Administration and Local Government;

(d) a representative from the Ministry responsible for Finance;

(e) Commissioner for Land.

4. At its first meeting, the Board shall elect a Vice-Chairman.

Vice-Chairman

5. The Minister shall appoint a suitable qualified public officer to be the Secretary to the Fund.

Secretary

6.-(1) A member shall, unless his appointment is sooner terminated by the Minister hold office for a period of three years. Any member of the Board shall be eligible for re-appointment.

Tenure of
Appointment

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(2) Any member may at any time resign his office by giving notice in writing to the Minister and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.

(3) Where any member ceases to be a member for any reason before the expiration of his term of office, the Minister may appoint another in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

7. All members of the Board shall work on part time basis.

Functions

8. The function of the Board shall be -

- (a) to verify compensation schedules and claims submitted by commissioner for Lands/Authorised Officer.
- (b) to cause payments to be made out of the Fund.

Factors

9. In deciding payment for compensation the Board shall have regard to -

- (a) a Compensation schedule;
- (b) claim of compensation submitted by the applicant;

Determination
in Writing

10. A decision to effect/reject payment of compensation by the Board shall be in writing and shall be dated and signed by all the members present.

Appeal

11. If the applicant is aggrieved by a determination of quantum of compensation by the Board he may appeal to the Land Division of the High Court.

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12. The provisions of the CPC (save Rules 3, 11 and 17(1) Order 39) and the Law of Limitation Act, 1971 shall apply to an appeal under these Regulations.

CPC

13. For purposes of an appeal under these Regulations, a determination by the Board of quantum of compensation shall be deemed to be a decree of the court of a Resident Magistrate or a district court.

Decree

14.-(1) The Board shall meet for discharge of business at such times and places as it may decide but shall meet at least three times each year.

Meetings

(2) The Chairman or, in his absence, the Vice-Chairman, shall preside at all meetings of the Board.

(3) Decision of the Board shall be by a simple majority of members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(4) The quorum of any meeting of the Board shall be three, one of whom shall be the Chairman or, in his absence, the Vice-Chairman.

(5) Any member who has any financial or other interest, whether direct or indirect, in the subject matter of any decision before the Board, shall disclose in writing to the Board the nature of his interest and shall not participate in any discussion or decision of the Board relating to the matter.

(6) The Board, shall be guided by the rules of natural justice.

(7) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings and the minutes of each meeting of the Board

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shall be read and confirmed or amended and confirmed, at the next meeting of the Board and signed by the person presiding at the meeting, and any minutes purporting to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

(8) Subject to the preceding provisions of this regulation, the Board shall regulate its own procedure.

Offences and
penalty

15.-(1) Any member who fails or refuses to disclose his interest under paragraph (5) of regulation 14 shall be removed from the Board or criminal proceedings be instituted against him

(2) Where a member is convicted of an offence under subregulation (1) of this regulation that member shall be liable to a fine of two hundred thousand shillings or to imprisonment for a term not exceeding twelve months.

Allowances

16. The members of the Board shall not be paid any salary, but shall be paid such allowances as the Board may, with the prior consent of the Minister, determine.

Services of
officers

17. The Ministry shall make available to the Board such facilities and the services of such officers as are necessary for the proper and efficient exercise of the functions of the Board.

Payment

18. The Board shall cause payment out of the Fund to be made within thirty days of determination by the Board, if there is no appeal or within thirty days of the decision of the Land Division of the High Court or the Court of Appeal of Tanzania, as the case may be.

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19. The Board may, before paying any claim require the applicant to furnish it with such proof as may be proper to show that he is entitled to payment out of the Fund.

Proof

20. A right to compensation under the Act shall be inheritable.

Inheritance

21.-(1) The Board shall keep proper books of account and maintain proper records in relation to them and the books of account and records of the Board shall be kept in accordance with accounting standards acceptable to the National Board of Accountants and Auditors.

Accounts and
Audit

(2) The books of account of the Board shall be audited by a reputable firm of auditors appointed by the Board at such times as the Board may determine but shall be audited at least at the end of each financial year.

(3) The audited accounts shall be submitted to the Board not later than three months after the end of the financial year to which they relate.

(4) It shall be the duty of the Board as soon as possible but in any case not later than one month upon receipt of the report of the auditors under this regulation to forward such report to the Minister.

(5) A copy of the report shall be submitted by the Board to the Controller and Auditor General.

22. The Board shall, not later than four months after the end of each financial year, submit to the Minister and annual report on the management of the Fund in respect of that financial year, including the balance sheet of the Board in respect of that year, the audited accounts, and the auditor's report on the

Annual Report

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accounts, and the Minister shall submit the report together with his observations on it to the National Assembly.

Financial

23. The financial year of the Board shall be the

Year

same as the financial year of the Government

Incorporation

24. The Board shall, immediately on appointment

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of its members and in any case not more than three months thereof, take necessary steps for its incorporation under the **Trustees Incorporation Ordinance** and the Board shall comply with all provisions of the said Ordinance.

Dar es Salaam,
3rd May, 2001

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