

THE COMMISSION FOR LAND AND ENVIRONMENT
ACT, 1989.

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Oath to be made by Executive Secretary/Deputy Executive Secretary of the Commission.

I ASSENT

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

31st July1989.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
THE COMMISSION FOR LAND AND ENVIRONMENT, TO
PROVIDE FOR ITS FUNCTIONS AND FOR OTHER
MATTERS CONNECTED THEREWITH AND INCIDENTAL
THERE TO

ENACTED BY THE HOUSE OF REPRESENTATIVES OF
ZANZIBAR.

PART I

PRELIMINARY

~~Short title~~ 1. This Act may be cited as the Commission for
~~and~~ Land and Environment Act, 1989 and shall come into
~~commencement.~~ operation immediately upon being assented by the
President.

~~Interpretation.~~ 2. In this Act, unless the context otherwise
requires -

"Board" means the Board established under section 10;

"CCM" means "Chama cha Mapinduzi";

"Commission" means the Commission established
under section 3;

"Director" means head of any department established under this Act;

"Deputy Executive Secretary" means the Deputy Executive Secretary of the Commission appointed under section 5;

"Executive Secretary" means the Executive Secretary of the Commission appointed under section 5;

"Government" means the Revolutionary Government of Zanzibar;

"Minister" means the Minister responsible for Land and Environment;

"Natural land" refers to the natural land useful minus any man-made development thereon;

"ownership" in relation to land, except for the Government which is the sole owner of all natural land, refers only to the development on the natural land or any connected with and incidental to it, including a legal right of occupancy on that land;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council.

PART II

THE COMMISSION FOR LAND AND ENVIRONMENT

Establishment
of the
Commission.

3.(1) There is hereby established a Commission to be known as the Commission for Land and Environment.

(2) The Commission shall be a body corporate and shall -

(a) have perpetual succession and official seal;

- (b) in its corporate name, be capable of suing and be sued;
- (c) subject to this Act, be capable of holding, purchasing or acquiring in any other way any movable or immovable property and of disposing any of its property for the purpose of carrying out the functions conferred on the Commission by this Act.

Functions
of the
Commission.

4.(1) The Commission shall be the principal advisory and executive organ of the Government on all matters related to land use and conservation of environment and for that purpose, shall -

- (a) formulate policy on land administration and environment and recommend its implementation by the Government;
- (b) co-ordinate the activities of all bodies concerned with land matters and environment and serve as a channel of communication between these bodies and the Government;
- (c) encourage public institutions and private individuals involved in projects related to land and environment for the national interest;
- (d) evaluate existing and proposed policies and the activities of the Government directed to safe guarding of land against its wrongful, wasteful or premature use or development and, on the basis of that, recommend to the Government policies and programmes which will achieve, more effective protection and enhancement of the land quality and encourage better use of land;
- (e) recommend measures to ensure that Government policies including those for the development and conservation of land take adequate account of its effects on land and environment;

- (f) stimulate public and private participation in programmes and activities related to land use for the national beneficial use of the land;
- (g) foster co-operation between the Government, local Government authorities and other bodies of persons engaged in land and environment related programmes;
- (h) seek the advancement of scientific knowledge of changes in land use and encourage the development of technology to prevent or minimize adverse effects that endangers man's health or welfare;
- (i) specify standards, norms and criteria for the protection of beneficial uses and the maintenance of the quality of the land;
- (j) set suitable standards and criteria for protection of the environment in relation to atmosphere, ground water, sea water, vegetation and use of land in accordance with its carrying capacity;
- (k) establish and operate a system of documentation and dissemination of information relating to land and environment;
- (l) examine existing laws, and where appropriate formulate proposals for legislation in the area of land related matters and recommend their implementation by the Government;
- (m) establish and maintain liaison with other countries and international organizations with respect to issues and matters relating to land and the environment;

- (n) maintain co-ordination with the Land and Environment Advisory Committees in the Districts and Regions with respect to issues and matters related to land use so as to ensure that national and local interests in land use are taken into consideration;
- (o) prepare integrated regional economic land use plan, regional physical plans and ensure their implementation by the region;
- (p) undertake ~~and~~ promote general educational programmes in land and environment for the purpose of creating an enlightened public opinion regarding the land and the role of the public in its protection and improvement;
- (q) do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of those functions or to be incidental to their proper performance and may carry on any ~~activities~~ in that behalf either alone or in association with any other person or institutions and perform such other functions as the Minister may assign to the Commission, or as are incidental or conducive to the exercise by the Commission of all or any of the preceding functions.

(2) For the purposes of the better performance of its functions the Commission may establish and maintain a system of collaboration and consultation with any person or institution within or outside Tanzania having the same objectives and functions in relation to land matters and environment in general, provided that national interests are safeguarded.

(3) Any person who knowingly and without reasonable excuse hinders or obstructs the Commission or its authorized officer in carrying out any of its functions under this section shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand shillings (5000/-) or to be sent to the education centre for a term not less than six months, or both such fine and confinement.

Executive
Secretary.

5.(1) There shall be an Executive Secretary and Deputy Executive Secretary to the Commission who shall be appointed by the President on such terms and conditions as the President may determine.

(2) No person shall be appointed Executive Secretary or Deputy Executive Secretary unless he has a sound educational and professional background in land and environmental affairs and have adequate experience in the management of the Government and public affairs.

(3) The Executive Secretary and Deputy Executive Secretary of the Commission shall be the Chief Executive Officers of the Commission and shall, subject to the provisions of this Act and any directions which may be given to them by the Minister or Board, be responsible for the implementation of all decisions of the Board and for carrying out all the day to day activities of the Commission.

(4) Executive Secretary and Deputy Executive Secretary of the Commission shall before assuming the duties of their office take oath of allegiance for the due execution of their office administered by the President as prescribed in the Schedule to this Act.

Duties
of the
Executive
Secretary.

6.(1) Without prejudice to the generality of subsection (3) of section 5 of this Act it shall be the duty of the Executive Secretary, under the direction of the Minister and advice of the Board -

- (a) to consider means and initiate steps in the safe-guarding of land and environment against its wrongful, wasteful or premature use or development;
- (b) to carry out investigations into the problems of land and environment;
- (c) to seek advice of persons having special knowledge, experience, or responsibility in regard to land and environment;
- (d) to keep under review the progress made in the attainment of the objects and purposes of this Act and to publish reports and provide information for the purpose of enhancing public awareness of such progress and of the problems and remedies that exist in relation to land and environment;
- (e) to promote, encourage, co-ordinate and carry out short-term and long-term planning and projects in land and environment together with or separate from other public bodies and other organs;
- (f) generally, to administer and give effect to the provisions of this Act and to carry out other functions as may be prescribed by the Commission.

(2) The functions of the Executive Secretary may be exercisable by the Deputy Executive Secretary in accordance with the directions issued from time to time by the Executive Secretary.

Departments
of the
Commission.

7.(1) There is hereby established the following departments under the Commission :-

- (a) Department of Lands;
- (b) Department of Surveys and Urban Planning;
- (c) Department of Environment.

(2) The President may establish any Department under the Commission.

(3) The appointment of directors of the departments established or to be established under the Commission shall be made by the President.

(4) No person shall be eligible for the post of Director in the Department of Lands or Department of Surveys and Urban Planning or Department of Environment unless he has educational and professional background in their respective field and have working experience of not less than five years.

Functions
of the
Departments.

8.(1) The Department of Lands established under this Act shall have the following functions :-

- (a) to co-ordinate and supervise matters related to the administration of land in general and in particular to issue guidelines to institutions which use land or concerned in the utilization and administration of land in Zanzibar;
- (b) to co-ordinate the activities of the Commission in the administration of land distribution for different purposes and finding administrative and legal strategies in settling land disputes arising from land distribution and land ownership.
- (c) to lay down procedures for evaluation of land property and be the main co-ordinator to the Commission in the administration of the said procedures;

- (d) to keep records, documents and titles for the usufructory right in land in accordance with the Registered Land Act or as directed by the Commission;
- (e) to perform any other duties assigned to it by the Commission.

(2) The department of Surveys and Urban planning established under this Act shall have the following functions :-

- (a) to collect, keep and develop all information related to land survey and physical planning in Zanzibar;
- (b) to prepare and revise the integrated regional economic land use and physical plans in the light of the existing or future development sectional policy;
- (c) to advise on methods and ensure the implementation of the integrated regional economic land use plan;
- (d) to advise and co-ordinate the implementation, initiation in the revision of laws and regulations related to survey and urban planning;
- (e) to co-ordinate all activities related to land survey and drawing of maps and charts for the land and sea respectively;
- (f) to perform any other duties assigned to it by the Commission.

(3) The Department of Environment established under this Act shall have the following functions :-

- (a) to conduct research in the environmental conditions and on how it is affecting different activities such as agriculture, animal husbandry, industries, tourism and construction;

- (b) to formulate a policy on conservation of environment;
- (c) to advise on methods to ensure the implementation of the policy on conservation of environment;
- (d) to perform any other duties assigned to it by the Commission.

The staff
of the
Commission.

9. In consultation with appropriate authority, the Commission may appoint on such terms and conditions as it may determine, such number of staff and experts to serve as officers of the Commission as it may consider appropriate or necessary for the performance of the functions of the Commission.

Establishment
of the
Board and
provide
for its
functions.

10.(1) There is hereby established a Board to be known as the National Advisory Board for Land and Environment.

(2) The Board shall supervise and direct the Commission and advise the Minister on matters related to land and environment.

Composition
of the
Board.

11. The Board shall consist of the following members :-

- (a) Minister responsible for Regional Administration - Chairman;
- (b) Attorney-General or his representative - Member;
- (c) Members of the National Executive Committee of CCM from Zanzibar who shall not exceed three appointed by the Minister - Members;
- (d) Members of the Parliament of Tanzania, from Zanzibar and or members of the House of Representatives whose number shall not exceed 3 appointed by the Minister - Members;

- (e) Persons who are experts and conversant in the field of land shall not exceed five appointed by the Minister - Members;
- (f) Principal Secretary to the Ministry responsible for land - Member;
- (g) Executive Secretary of the Commission for Wakf and Public Trustee - Member;
- (h) Executive Secretary of the Commission for Land and Environment - Secretary.

Regional
and
District
Advisory
Committees.

12.(1) There is hereby established in every region and every district in Zanzibar Committee to be known as the Regional Land and Environment Advisory Committee and District Land and Environment Advisory Committee respectively.

(2) In discharging its duties, the Commission shall work through the Land Advisory Committees established in the districts and regions for the overall supervision of all activities pertaining to land and environment in the respective districts and regions. The Commission shall have power to issue orders, directions, notices or other documents to the District and Regional Land and Environment Advisory Committees and all such orders, directions and notices shall be binding.

(3) The Minister may make Rules prescribing the procedure for the implementation by the committees of the orders, directions and other matters, issued by the Commission.

Composition
of the
Regional and
District
Land and
Environment
Advisory
Committee.

- 13.(1) The Regional Land and Environment
Advisory Committee established under the provisions
of this Act shall consist of the following:-

- (a) Regional Commissioner - Chairman;
- (b) Regional Administrative Officer - Secretary;
- (c) Regional Party Secretary - Member;
- (d) One member of the House of
Representatives and one member
of the Parliament of Tanzania
In the Region appointed
by the Minister - Member;
- (e) Member of the National
Executive Committee of CCM
appointed by the Minister - Member;
- (f) Regional Agricultural Officer - Member;
- (g) Regional Forestry Officer - Member;
- (h) Regional Land Officer - Member;
- (i) Regional Survey and Urban
Planning Officer - Member;
- (j) Regional Environment Officer - Member;
- (k) Director of Municipality/
Secretary of the Town Council - Member.

(2) The District Land and Environment Advisory
Committee established under the provisions of this
Act shall consist of the following:-

- (a) District Commissioner - Chairman;
- (b) District Administrative Officer - Secretary;
- (c) Member of the National
Executive Committee of CCM
appointed by the Minister - Member;
- (d) District Party Secretary - Member;

- (e) A member of the House of Representatives and a member of the Parliament in the District appointed by the Minister - Member;
- (f) A councillor of the Local Government appointed by the Minister - Member;
- (g) District Agricultural Officer - Member;
- (h) District Land Officer - Member;
- (i) District Forestry Officer - Member;
- (j) District Survey and Urban Planning Officer - Member;
- (k) District Environment Officer - Member;
- (l) Secretary of the Town Council - Member.

Functions
of the
Regional and
District
Land
Advisory
Committees.

14.(1) The Regional Land and Environment Advisory Committee established under provisions of this Act shall perform the following functions :-

- (a) to advise on the preparation, implementation and review of the integrated regional economic land use plan and conservation of environment in their regions;
- (b) to supervise the implementation of the integrated regional economic land use plan in their respective regions and to ensure standards set and procedure for the land utilization in general is followed;
- (c) to co-ordinate all institutions in their districts related to land utilization and act as link and source of information between the District and the Regional Government;

- (d) to advise on methods which shall ensure the integrated regional economic land use plan take into consideration adverse effect of various land uses;
- (e) to review the implementation of laws related to land and environment and advise and propose amendment on the same where necessary;
- (f) to establish and maintain good relations between the Commission and the Regional and District Committees;
- (g) to perform any other direction given by the Commission.

(2) The District Land and Environment Advisory Committee established under the provisions of this Act shall perform the following functions:-

- (a) to supervise the implementation of the integrated regional economic land use plan in their respective Districts and ensure standards set and procedures for the land utilization in general are followed;
- (b) to co-ordinate all institutions in their District related to land utilization and act as link and source of information between the District and the local Government in their Districts;
- (c) to advise on methods which shall ensure the integrated regional economic land use plan take into consideration adverse effect of various land uses;
- (d) to review the implementation of laws related to land and environment and advise and propose amendment on the same where necessary.

Tenure of
office.

15.(1) All appointed members under sections 11 and 13 shall remain in office for a term of three years from the date of their appointment and may be eligible for re-appointment.

(2) Any appointment made under sections 11 and 13 may at any time, be revoked by its appointing authority when it deems fit or after receiving a resignation from the member.

(3) All appointments made under sections 11 and 13 and all revocations made under subsection (2) of this section shall be published in the Official Gazette.

Sub-
Committees.

16. Subject to the approval of the Minister, the Commission may, from time to time establish such sub-committees amongst the Board members or invites persons who are not Board members and who are experts in different field of learning as it may consider necessary for the purpose of facilitating the carrying out of the objectives and function of the Commission.

Meeting
procedure
and quorum.

17. The Board, Committees and sub-committees established under this Act shall regulate its own meeting procedures:

Provided that the quorum at any meeting of the Board, Committee and sub-committees, established under this Act shall be half of all members.

Commission
call for
information.

18.(1) The Commission may require in writing any person or body of persons engaged in research or engaged in an activity affecting or relating to land and environment in Zanzibar, to furnish to it such information related to that research or activity as the Commission may specify.

(2) Every person or body of persons which is required to furnish information under subsection (1) shall comply with the requirement and any person or body of persons which refuses or fails to comply with that requirement shall be guilty of an offence and shall be liable on conviction to a fine not less than ten thousand shillings or to be sent to the education centre for a term not less than six months or to both such fine and imprisonment.

Offences
and
penalties.

19.(1) Any person destroys or pollutes environment or land or uses land or environment in such a manner contrary to directions and procedures established by the Commission commits an offence and shall on conviction be liable to be sent to the Education Centre for a period of not less than two years or to a fine of not less than fifty thousand shillings or to both such fine and confinement.

(2) In addition to the penalty provided under the provisions of subsection (1) of this section the Court may issue any order which it deems fit.

Regulations.

20.(1) The Minister may make regulations for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provision the Minister may -

- (a) provide for the charges for any services rendered by the Commission or its Committees;
- (b) give to the Commission directions of a general or specific character regarding the performance by the Commission of any of its functions.

SCHEDULE

OATH TO BE MADE BY EXECUTIVE SECRETARY/DEPUTY
EXECUTIVE SECRETARY OF THE COMMISSION.

(1) OATH OF ALLEGIANCE

I,
swear by Almighty God that I will be faithful to
Zanzibar and its people whom are part of the United

Republic of Tanzania and that I will serve them wholeheartedly and that I will defend and protect the interest of Zanzibar in accordance with the established laws.

So help me God.

(2) OATH OF EXECUTION OF OFFICE

I,
swear by Almighty God that I shall diligently and truly serve Zanzibar and its people in the execution of my duties as Executive Secretary/Deputy Executive Secretary and shall at all times advise the President in good faith and will not directly or indirectly disclose, or reveal the nature or contents of any documents of the Commission to any person other than authorized person.

So help me God.

I hereby confirm that I have taken these oaths at Zanzibar, today the day of 19.....

.....
Signature

.....
PRESIDENT.

Passed in the House of Representatives on the 4th day of October, 1989.

AMAMIS JUMA CHANDE
CLERK TO THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.