

THE UNITED REPUBLIC OF TANZANIA



No. 22 OF 1992

I ASSENT.

President

28/12/92

An Act to regulate land tenure in villages established pursuant to Operation Vijiji, to provide for the settlement of land disputes and for connected purposes

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Regulation of Land Tenure (Established Villages) Act, 1992.

Short title

2. In this Act unless the context requires otherwise—

Interpretation

“Appeals Tribunal” means the Customary Land Appeals Tribunal established or deemed to have been established under section 13 of the Customary Leaseholds (Enfranchisement) Act, 1968 pursuant to section 9 of this Act;

Acts, 1968
No. 47

“Minister” means the Minister for the time being responsible for lands;

“Operation Vijiji” means and includes the settlement or re-settlement of people in villages during and at any time between the years 1970 and 1977, for the purpose of implementing the policy of villagisation;

“the Tribunal” means the Customary Land Tribunal established or deemed to have been established under section 8 of the Customary Leaseholds (Enfranchisement) Act, 1968 pursuant to section 6 of this Act.

Acts, 1968
No. 47

Acts, 1982
No. 7 "village land" means and includes all the land within the boundaries of any village established as the result of operation vijiji, whether or not such area has been registered as a village in accordance with section 22 of the Local Government (District Authorities) Act, 1982.

Extinction of rights under customary law 3.—(1) Notwithstanding any other law to the contrary, all rights to occupy or to use land in accordance with any custom or rule of customary law existing or held or claimed to be held by any person in any Village land prior to Operation Vijiji, are hereby extinguished.

(2) For the avoidance of doubt the extinction of rights under Subsection (1) of this section shall not effect—

- (a) any right to occupy or to use any village land which was acquired by any person during or subsequent to Operation Vijiji, in any village established as the result of Operation Vijiji; or
- (b) any right to use or to occupy any land in accordance with any custom or rule of customary law existing in any village which was not established as the result of Operation Vijiji.

No compensation for loss of rights 4. No compensation shall be payable only on account of the loss of any right or interest in or over land which has been extinguished under section 3 of this Act.

Certain proceedings not to be instituted or to terminate Cap. 113 5.—(1) Subject to section 6 of this Act and notwithstanding the provisions of sections 22 and 23 of the Land Ordinance or of any other law—

- (a) no suit or other proceeding shall be instituted in or remitted to any court or the Tribunal in relation to the extinction of any right under section 3 of this Act or in relation to any right to use or to occupy any village land in accordance with any custom or rule of customary law;
- (b) any suit or other proceeding to which this section applies which shall have been instituted in or remitted to, any court or the Tribunal before the commencement of this Act shall forthwith be terminated.
- (c) no judgement, order or decree passed, made or given either before or after the commencement of this Act in relation to any proceedings to which this section applies shall be executed.

(2) No order as to costs shall be made in relation to a suit or other proceeding which is terminated in accordance with this section.

Vesting of jurisdiction in the Tribunal 6. No proceedings may be instituted under this Act, other than in the Tribunal having jurisdiction over the area in which the dispute arises:

Act, 1968
No. 47 Provided that where the Customary Leaseholds (Enfranchisement) Act, 1968 does not apply the Minister may establish a Tribunal as if that Act applied to such area and the Tribunal so established shall perform all the functions and exercise all the powers of the Tribunal under this Act.

7. Subject to section 3 of this Act the Tribunal shall have power to determine any land dispute within or touching on any village land and without prejudice to the generality of the foregoing shall have power—

Functions
of the Tri-
bunal

- (a) to determine whether any land is village land or is within village land;
- (b) at all reasonable times to enter and inspect any land for the purpose of carrying out any of its powers, duties or functions under the provisions of this Act and to authorize in writing any person to exercise such power of entry and inspection on its behalf.
- (c) to declare whether or not any right or interest in or over land of any person claiming has or has not been extinguished in accordance with this Act;
- (d) to make such orders not inconsistent with this Act as may be necessary for the cause of justice in relation to any matter arising out of this Act.

8. Sections 11, 12 and 14 of the Customary Leaseholds (Enfranchisement) Act, shall apply *mutatis mutandis* in relation to the powers of the Tribunal, the enforcement of its decisions and the protection of the members of the Tribunal in carrying out the functions and duties conferred by this Act.

Powers of
the Tri-
bunal and
protection
of the
members
Acts, 1968
No. 47

9.—(1) Any person who is dissatisfied with any decision of the Tribunal may appeal to the Appeals Tribunal having jurisdiction over the area in which the dispute arose:

Appeals

Provided that where the Customary Leaseholds (Enfranchisement) Act, 1968 does not apply, the Minister may establish such Appeals Tribunal as if that Act applied to such area and the Appeals Tribunal so established shall perform all the functions and exercise all the powers of the Appeals Tribunal under this Act.

(2) Any person who is dissatisfied with the decision of the Appeals Tribunal may further appeal to the Minister whose decision shall be final and conclusive and shall not be reviewed by any court.

10. The Minister may make regulations prescribing the manner and procedure by which appeals may be made or generally, for the better giving effect to the provisions of this Act.

Regula-
tions

11. The Land Ordinance is hereby amended in section 2—

- (a) in the definition “Occupier”, by deleting the semi-colon at the end of that definition and substituting for it the words. “or in accordance with any rights acquired during or subsequent to Operation Vijiji as defined in section 2 of the Regulation of Land Tenure (Established Villages) Act, 1992, in any village established as the result of Operation Vijiji;” and

Amend-
ment of
the Land
Ordi-
nance
Cap. 113

Acts, 1992
No. 21

Acts, 1992
No. 21

(b) in the definition, "right of occupancy", by deleting the semi-colon at the end of that definition and substituting for it the words, "or in accordance with any rights acquired during or subsequent to Operation Vijiji as defined in section 2 of the Regulation of Land Tenure (Established Villages) Act, 1992, in any village established as the result of Operation Vijiji.

Revoca-
tion G.N.
1987 No.
88

12. The Extinction of Customary Land Rights Order, 1987, is hereby revoked.

Passed in the National Assembly on the fourteenth day of December, 1992.


Clerk of the National Assembly