

GOVERNMENT NOTICE NO. 85 published on 4/5/2001

THE LAND ACT

(No. 4 of 1999)

**THE LAND (SCHEMES OF REGULARISATION)
REGULATIONS, 2001**

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**THE LAND ACT, 1999
(No. 4 of 1999)**

**THE LAND (SCHEMES OF REGULARISATION)
REGULATIONS, 2001**

(Made under Sections 59 and 179)

**PART I
PRELIMINARY**

1. These regulations shall be cited as the Land (Schemes of regularization) Regulations, 2001.

2. In these regulations, unless the context otherwise requires:-

"Act" means the Land Act, 1999;

"adjudication adviser" means a regularisation area adjudication adviser appointed under regulation 24;

"Commissioner" means the Commissioner for Lands;

"Committee" means a regularisation area committee established under regulation 7;

"local land register" means the local land register established under Regulation 33;

"Minister" means the Minister responsible for lands;

"Operation Vijiji" has the meaning ascribed to it by the village Land Act;

"panel" means a land adjudication panel established by regulation 25;

"peri-urban area" has the meaning ascribed to it by the Act;

"planner" has the meaning ascribed to it by regulation 12;

"register" means the local land register;

"registered document" means a certificate of granted right of occupancy or a derivative right which has been registered in accordance with these Regulations;

"registration officer" means a registration officer appointed under regulation 33 and includes a principal registration officer;

"regularization area" means an area declared by the Minister to be a regularization area and gazetted as such;

"responsible officer" has the meaning ascribed to by S. 60

"scheme" means a scheme of regularization;

"Tribunal" means the District Land and Housing tribunal;

"urban area" has the meaning ascribed to it by the Act;

"local authority" has the meaning ascribed to it by the Local Government (Urban Authorities) Act, No. 8 of 1982;

Land (Schemes of Regulation)

G.N. No. 85 (contd.)

PART II REGULARISATION AREA

Minister may
*Declare a
regulariza-
tion area*

3. The Minister may, subject to the provisions of section 58 of the Land Act, or at the request of the people in the area, channeled through a local authority representatives or otherwise, declare any urban or peri-urban area to be a regularisation area.

Criteria to be
satisfied before
declaration of
regularization
area

4. Before declaring any area to be a regularization area, the Minister must be satisfied that:-

- (a) there is a reasonable measure of support from those occupying and using land in the area for the making of such a declaration within the area, and from any local authority representatives within the area;
- (b) the resources needed for the implementation of any programmes and projects likely to be introduced into the area as a consequence of the declaration are reasonably likely to be forthcoming;
- (c) any programmes and projects likely to be introduced into the area as a consequence of the declaration are feasible and the benefits of such programmes and projects outweigh any costs and disadvantages;
- (d) where he is considering making a declaration of his own motion, that circumstances, conditions and proposed future developments within the proposed area are such that, notwithstanding that there may not be local interest or support for a declaration, it is in the national interest that such a declaration be made;
- (e) there are no extraneous circumstances within or affecting the area which would tend to inhibit or limit the effectiveness of the implementation of any programmes or projects likely to be introduced into the area as a consequence of the declaration.

Duty of
Commissioner in
respect of
declaration of
regularization
area

5. The commissioner shall follow fair and reasonable procedures and processes which accord with principles of fair administrative practices in obtaining the necessary information on any matters referred to in regulation 4 above on which he is required or intends to advise the Minister under section 58 (1) of the Act.

Declaration of
regularization
area to be
published

6. A declaration of a regularization area shall be published in the Gazette and in any other local circulating newspaper.

Establishment of
regularization
area committee

7. Where the Minister has declared an area to be a regularization area, the local authority having jurisdiction over the said area shall cause to be established a committee of persons from the area, to be known as a regularization area committee.

Land (Schemes of Regulation)

G.N. No. 35 (contd.)

8. (1) A regularization area committee shall be composed of:
- (a) the ward councilors for the area or any part of the ward which they represent which falls within the regularization area;
 - (b) Chairmen of *Mitaa*, *Vitongoji*/Villages for the area or any part of the area which they represent which falls within the regularization area;
 - (c) not less than seven nor more than eleven persons from the regularization area who shall be elected by secret ballot by all those qualified to vote under any law in force governing voting in local authority elections and shall serve on the committee for the same period of time for which a ward councilor is elected;
 - (d) not more than three persons who do not reside or work in the area who may be co-opted on to the committee for up to three years at a time by the members of the committee referred to in paragraphs (a), (b) and (c).
- (2) Where the committee exercises its power to co-opt members to a regularization committee, it shall ensure that those persons who are co-opted are, by virtue of their involvement, interest or professional competence in matters of regularization, their knowledge of the area, or their general standing within the area, persons whose opinions are likely to be respected within the area.
9. The local authority having jurisdiction in the area within which a regularization area has been declared shall be responsible for:
- (a) the conduct of the process of election of the members referred to in paragraph (c) of regulation 8 (1);
 - (b) ensuring that the meetings of a regularization area committee follow due process and comply with standard local authority procedures on committee meetings; and
 - (c) the co-ordination of functions and responsibility between such a committee and officers and other committees of the local authority.
10. (1) The function of a committee shall be to act as a link between the local communities within the regularization area and the planners and officers charged with the responsibility of preparing and implementing a scheme of regularization and to this end, a committee shall:-
- (a) be involved in the preparation and implementation of a scheme of regularization;
 - (b) work with planners and officers in programmes of sensitisation within the area on matters connected with sustainable urban development;
 - (c) represent to planners and officers the concerns and interests of those occupying and using land within the area;

Composition of
regularization
area committee

Functions of
local
authority with
respect to
committee

Functions of
committee

Land (Schemes of Regulation)

G.N. No. 85 (contd.)

- (d) assist in the settlement of disputes connected with regularisation and compensation for losses caused by regularization;
- (e) undertake any other activities which are calculated to further the process of regularization.
- (2) A committee may appoint such subcommittees as it thinks fit to assist it to perform its functions and may co-opt such persons from the area on to such subcommittees as will, in its opinion, contribute to the work of those subcommittees.

Functions of officers in relation to committee

11. Any officer or planner involved in the preparation and implementation of a scheme of regularization or otherwise exercising functions connected with the development of a regularization area shall:-
- (a) at the request of a committee, attend any meeting of that committee;
 - (b) supply the committee with such information about services and resources available to the area in connection with the preparation and implementation of a scheme of regularization as may be necessary to enable the committee to carry out its functions;
 - (a) generally, co-operate and work with the members of the committee to advance the economic and social development of the people of the area.

PART III SCHEME OF REGULARISATION

Decision to prepare a scheme of regularization

12. (1) The Minister shall, after consulting with the local authority having jurisdiction over the area within which a redevelopment area is located, direct the Commissioner to cause to be prepared a scheme of regularization for an area declared to be a regularization area.
- (2) A scheme of regularization may be prepared by any person or organization with the necessary skills and knowledge in the public or private sector, including a non-governmental organization working in the field of urban development, or an association of persons from the area concerned and any such person or organization which prepares such a plan shall be referred to in these regulations as 'the planner'.
- (3) The local authority referred to in sub-regulation (1) shall designate an officer who shall be responsible for overseeing the preparation of a scheme of regularization.

Preparation of survey of regularization area

13. (1) The planner shall prepare a survey of -
- (a) the resources and facilities of the area, and in particular, the availability and use of land within the area for homes and work-spaces;

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- (b) the concerns and needs of the people of the area;
- (c) the potential for any programmes and projects of urban development within the area;
- (d) such other matters as the planner, after consultation with the committee, considers necessary and desirable to provide an accurate profile of the existing situation and potential of the area.

(2) The survey shall be placed before one or more public meetings within the area to enable the people of the area to comment on and suggest additions and alterations to the survey within sixty (60) days.

(3) The survey, together with a report of the public meetings referred to in subsection (2), shall be placed before and considered by the committee.

14. (1) The planner shall prepare a draft of a scheme of regularization on the basis of the survey referred to in regulation 13 and associated reports as placed before the committee, together with any comments made on that survey by the committee.

*Preparation of
scheme of
regularization*

(2) A draft scheme of regularization shall be placed before one or more public meetings within the area to enable the people of the area to comment on and suggest additions and amendments to that draft scheme.

(3) The draft scheme of regularization together with a report of the public meetings referred to in subsection (2) shall be placed before and considered by the committee.

(4) The committee may either endorse the draft scheme, with or without amendments, or refer the draft scheme back to the planner for further work on the draft scheme.

(5) Where the committee endorse the draft scheme, it shall become the endorsed scheme of regularization for the area and shall be sent to the local authority for its consideration.

(6) Where the committee refer the draft scheme back to the planner, he shall revise the scheme in the light of the comments of the committee and resubmit the scheme to the committee within reasonable time.

(7) Subsections (3) and (5) shall apply to a scheme resubmitted under subsection (6) as they apply to a draft scheme placed before the local committee under subsection (5).

15. -(1) A scheme of regularization shall consist of proposals, set out in written form accompanied by such maps of the area as may be necessary -

*Contents of
scheme of
regularization*

- (a) for the economic and social advancement of the area and the people of the area through development programmes and projects, involving the full participation of the people of the area;
- (b) an indication of the resources likely to be made available from public finances and other sources both within and outwith the area to facilitate the implementation of the scheme, including the resources likely to be needed to meet any claims for compensation;

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- (c) for any relocation of people from their homes and places of work or any likely compulsory acquisition of land or transfer of land to communal uses as a consequence of any land readjustment or land pooling;
- (d) on the relationship of the scheme to any existing development plans or schemes applicable to the regularization area.
- (2) A scheme of regularization may include the following specific matters -
 - (a) the designation of area of land proposed for the location of communal facilities and open spaces;
 - (b) proposals to adopt specific practices on urban land management designed to enhance sustainable land use;
 - (c) proposed schemes of land readjustment and land pooling and their management, including tenurial arrangements;
 - (d) the management of communal facilities and other communally used resources;
 - (e) proposed methods and modalities of liaison and co-operation with authorities responsible for sewerage and water management within the area;
 - (f) the role of the committee in monitoring the implementation of the scheme and in co-ordinating with other committees and authorities within the area, the functions of which may impinge upon the implementation of the scheme;
 - (g) such matters as the planner considers necessary and desirable to include in the scheme.

Role of the local authority in relation to scheme of regularization

16. (1) An endorsed scheme of regularization shall be sent to the local authority for its consideration.

(2) The local authority shall consider any scheme of regularization sent to it and prepare a report with recommendations on the scheme for the Commissioner.

(3) In considering a scheme of regularization, the local authority shall have regard to -

- (a) the extent to which the scheme appears to reflect local concerns and needs and will involve the local community in its implementation;
- (b) the practical and financial feasibility of the scheme
- (c) the relationship of the scheme to any development plans and proposed plans prepared under the Town and Country Planning Ordinance, applicable to the area of that local authority
- (d) such other matters as the local authority considers relevant

(4) The local authority shall, within three months of the receipt of the endorsed scheme of regularization, recommend to the Commissioner whether he should advise the Minister to -

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- (a) approve with or without amendments;
- (b) return to the area concerned with directions as to what additional work is required to be done on; or
- (c) reject.

(5) For the avoidance of doubt, it is hereby stated that any scheme prepared for a regularization area under these regulations shall take precedence over any plan or scheme prepared for or applicable to the same area made or approved under the Town and Country Planning Ordinance;

Cap.378

Role of the
Minister in
relation to
scheme of
regularization

17.(1) On receipt, from the Commissioner, together with any comments thereon which the Commissioner may wish to make, of the report with recommendations on the scheme of regularization from the local authority, the Minister shall, not later than four months thereafter, make a determination in terms of one of the paragraphs (a) to (c) of sub-regulation (4) of regulation 16 and when the plan is to be resubmitted to the Minister.

(2) Where the Minister approves the scheme of regularization, with or without amendments, he shall signify his approval in the Gazette and the scheme shall, as from the date of his approval, become the approved scheme of regularization for the area for which it has been prepared.

(3) Where the Minister returns the scheme to the local Authority through the Commissioner for further work or rejects the plan, he shall give reasons for his decision in such detail as will enable the planner to ensure that any necessary further work on the scheme or work on a new scheme is undertaken as soon as may be.

(4) Where a scheme has been returned for further work, or has been rejected and thereafter, further work is done on that scheme (the revised scheme) or, in the case of a rejected scheme, a new scheme is prepared, the procedures set out in regulations 16, 17 and this regulation shall apply to any such revised scheme or new scheme.

18. (1) The responsible officer, shall, in association and consultation with the committee, and keeping the ward and other councilors representing the area fully informed, be responsible for the implementation of the scheme within the area and shall, in pursuance of this responsibility, work with, and give all such advice and assistance to, members of the community within the area so as to enable them to benefit from and contribute to the implementation of the scheme.

Implementati
on of scheme
of
regularization

(2) The committee shall inform the community of the contents of the approved scheme, the functions of the responsible officer in implementing that scheme and the actions that members of the community will be expected to take to facilitate the implementation of that scheme.

(3) Where there is any dispute between the responsible officer and one or more members of the community or between two or more members of the community over any matter connected with the implementation of the scheme, the committee or any subcommittee thereof shall use its best endeavours to resolve the dispute and effect a reconciliation between the parties.

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G.N. No. 85 (contd.)

Compensation

19.- (1) Any person occupying or using land within a regularization area who is adversely affected by the process of regularization shall be entitled to compensation.

(2) A person shall be taken to be adversely affected by the process of regularization if:

- (a) he is required to relocate permanently from his existing home or work-space to another place in the regularization area in the interests of the better planning and layout of the regularization area;
- (b) in any process of land readjustment, his plot or land is reduced in size by an amount greater than fifteen per cent, compensation being payable for the amount of land lost in excess of fifteen per cent;
- (c) as a result of the process of regularization or a process of land readjustment, the value of his land, after deducting whatever amount of land not exceeding fifteen per cent has been taken for community purposes, has been reduced to below the value it had on the date of the declaration of the regularization area.

(3) A person shall not be taken to be adversely affected by the process of regularization if during the carrying out of any public works or any process of land readjustment or land pooling, he suffers a temporary loss or diminution of the use of his home or work-space which is reasonable in all the circumstances of the case.

PART IV ADJUDICATION

Restrictions on grant of right of occupancy in regularization area

20. (1) Except where the boundaries of, and interests in, land within a regularization area have been registered under any law applicable to the registration of land or, notwithstanding that such boundaries and interests in land have not been registered, are fully accepted and agreed to by all persons with an interest in that land and, in respect of the boundaries of that land, land bordering that land, no grant of a granted right of occupancy shall be made to any person, group of persons or organization unless and until the boundaries of and interests in that land have been adjudicated in accordance with the provisions of this Part.

(2) A provisional right of occupancy may be granted under this Part where and only where the boundaries of the land in respect of which the granted right of occupancy is to be granted have not been fully and finally determined.

Responsibility for adjudication in regularization areas

21.- (1) The responsibility for adjudication of interests in land within a regularization area is hereby vested in the local authority having jurisdiction over the area within which a regularization area is located.

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G.N. No. 85 (contd.)

(2) Where a scheme of regularization provides for a process of adjudication of interests in land to be applied to all or a part of the land within the regularization area, the local authority referred to in sub-regulation (1) shall as soon as may be resolve to commence a process of adjudication which shall be conducted in accordance with the provisions of this Part.

22. The Commissioner, after consulting with the Director responsible for Surveys and Mapping may issue such advice and guidance on land adjudication as he considers desirable and all authorities and persons exercising adjudication functions under these regulations, shall have regard to that advice and guidance.

Advice on
adjudication

23. (1) Where a complaint is made to the Commissioner by any person with interests in land within the regularization area that the adjudication is being applied improperly or unfairly, the Commissioner shall investigate the complaint and on being satisfied of the accuracy of the complaint, the Commissioner shall:-

Supervision
of
adjudication

- (a) issue such directives as he considers necessary to the local authority to correct and improve the process of adjudication; or
- (b) issue a directive to the local authority to:-
 - (i) cease exercising any powers under the process of adjudication;
 - (ii) send all records and other information specified in the directive to the Commissioner;
 - (iii) cooperate fully with such officers as the Commissioner shall authorize to re-examine and revise the process of adjudication.

(3) Where a directive has been issued, the Commissioner shall thereupon be empowered to -

- (a) re-examine;
- (b) cancel;
- (c) revise
- (d) add to
- (e) make such other decisions as seem just on;
- (e) revise

any determination made by any person or body in connection with adjudication of land within the regularization area.

24. (1) Where an local authority has resolved to commence a process of adjudication within a regularization area, it shall appoint a person to be a regularization area adjudication adviser.

Appointment
and
functions of
regularization
area
adjudication
adviser

(2) A person shall be qualified to be appointed as an adjudication adviser if that person is -

- (a) a person from the area known and respected for his knowledge of and impartial judgement about land matters in that area;

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G.N. No. 85 (contd.)

- (b) qualified in the discipline or profession of land economist, lawyer, planner, surveyor or valuer; or
- (c) a public servant appointed by the Commissioner at the request of the local authority, to act as an adjudication adviser;
- (d) an official with responsibilities for land matters of the local authority.
- (a) a magistrate appointed by the Judicial Service Commission at the request of the local authority to act as an adjudication adviser.

(3) An adjudication adviser shall work with and assist the panel to implement and manage the process of adjudication and without limiting the generality of that function, shall -

- (a) draw to the attention of the panel any error or omission in any adjudication register at any time before it is completed;
- (b) make a claim or otherwise act on behalf of any person who is absent or under a disability if he considers it necessary to avoid injustice;
- (c) conduct such inquiries as he may be requested to conduct by the panel to further the process of adjudication.

Establishment
of land
adjudication
panel.

25. (1) Where an local authority has resolved to commence a process of adjudication within an adjudication area, it shall arrange for the establishment of a land adjudication panel, the members of which shall be appointed by the committee.

(2) A land adjudication panel shall consist of not less than six nor more than nine persons, of whom not less than three persons shall be women, who shall serve for a term as provided in their terms of references.

Act Nos:
8 of 1982
7 of 1982

(3) A land adjudication panel shall be governed by the provisions of the Local Government (Urban Authorities) Act, No. 8 of 1982 and Local Government (District Authorities) Act No. 7 of 1982 applicable to committees of any local council.

Procedures of
meetings of
panel

26. (1) A panel shall elect one of its members to be chairman who shall preside at all meetings at which he is present; and if at any meeting the chairman is absent, the members present shall elect one of themselves to preside over that meeting.

(2) The quorum of a panel shall be, where the number of the committee is six members, four, of which at least one member shall be a woman and where the number of the panel is greater than six members, five of which at least two members shall be women.

(3) In the event of an equality of votes, the chairman or other member presiding shall have a casting vote as well as an original vote.

(4) Any decision of a panel shall be signed by the chairman or other member presiding and the adjudication adviser.

(5) The adjudication adviser shall be the executive officer for the panel

and shall keep the records of the panel.

Land (Schemes of Regulation)

G.N. No. 85 (contd.)

27. (1) The functions of a panel shall be to:-

Functions of
land
adjudication
panel.

- (a) determine the boundaries of and interests in land which is the subject of a process of adjudication;
- (b) set aside or make reservations of land or demarcate rights of way and other easements which it considers necessary for the more beneficial occupation of land;
- (c) adjudicate upon and decide, using as a guide the principles of land law applicable in Mainland Tanzania, any question referred to it by any person with an interest in land which is the subject of the adjudication;
- (d) safeguard the interests of women, absent persons, minors and persons under a disability;
- (e) take account of any interest in land in respect of which for any reason, no claim has been made.

(2) The panel shall in the exercise of any of its powers under this section which involve a hearing comply with the rules of natural justice and, subject to that duty, may -

- (a) hear evidence which would not be admissible in a court of law;
- (b) call evidence of its own motion;
- (c) use evidence contained in any official record or adduced in any other claim; and
- (d) generally, determine its own procedures.

(3) A panel shall have jurisdiction over all claim made during the course of a process of adjudication and for this purpose and in order to discharge the functions referred to in sub-regulation (1), the chairman of such a panel shall be competent to administer oaths and to issue summonses, notices and order requiring the attendance of such persons and the production of such documents, as he may consider necessary for the carrying out of the process of adjudication.

28. (1) The chairman of a panel shall be responsible for ensuring that the procedures set out in these regulations are complied with.

Adjudication
procedures

(2) Where a local authority has resolved to commence a process of adjudication within a regularization area, a notice shall be published and posted in a prominent place at the offices of that local authority and on the land which is to be adjudicated not less than two weeks before the process of adjudication is to commence:-

- (a) specifying the approximate area of land to be adjudicated (the adjudication area);
- (b) requiring all persons who claim any interest in the land to attend a meeting of the panel at a specified time and put forward their claims;

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G.N. No. 85 (contd.)

- (c) requiring any person who claims to occupy land within the adjudication area to mark or indicate the boundaries of the land in such manner and before such date as may be specified by the notice.
- (3) On the specified date, the panel shall hear and determine all claims made under paragraphs (b) and (c) of sub-regulation (2).
- (4) The panel shall walk around the land the subject of adjudication tracing, ascertaining, verifying, determining and marking the boundaries of the land.
- (5) The panel may adjourn any hearing into any claim and request the adjudication adviser to conduct further investigations into that claim.
- (6) In hearing and determining any claim, the panel shall use its best endeavours to mediate between and reconcile parties having conflicting claims to the land.
- (7) The panel shall cause to be prepared an adjudication record of the claims to the adjudicated land which it has determined under sub-regulation (3) and shall publish that record in a prominent place within the area.
- (8) The adjudication record shall, unless an appeal is made to a Tribunal, become a effective adjudication record thirty days after it has been published.
- (9) A adjudication record shall, where an appeal has been made under sub-regulation (7), become effective adjudication record thirty days after such appeal.

Adjudication
record

29. (1) An adjudication record shall be prepared in respect of each plot of land for which one or more claims have been made and shall consist of:-

- (a) the name of a claimant or where there is more than one claimant to the land, the names of all the claimants;
- (b) the nature and content of the interests in land claimed;
- (c) the amount of land claimed;
- (d) the length of time the claimant or claimants have been on the land or claim an interest in the land;
- (e) the location and boundaries of the plot of land;
- (f) the route and boundaries of any rights of way or wayleaves or other public rights claimed to exist in, on, or under the land;
- (g) the determination of the panel on the claim or claims together with a brief statement of reasons for the determination.

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(2) The adjudication record shall be accompanied by a sketch map of location and area of the land but it shall not be necessary to draw the sketch map to scale.

(3) the adjudication record shall be in the form set out in the Schedule to these regulations.

(4) When a adjudication record has been completed, it shall be signed by the chairman of the panel and adjudication adviser.

30. The chairman of the panel, the claimant occupant and at least two adult residents of the regularization area present at the time of the inspection of the land shall certify the correctness of the boundaries of the adjudicated plot of land by signing Land form No.... set out in the Land (forms) Regulations, G.N.

Certification
of
boundaries.

31.- (1) Any person who is aggrieved by a determination of a panel may, within thirty days of the publication of the adjudication record, appeal to a Tribunal against that determination.

Appeals

(2) The Tribunal shall, in hearing any appeal -

- (a) have all the powers and comply with all the procedures applicable to a panel; and
- (b) reach such decision as appears to it to be just in all the circumstances, and, without limiting the generality of that power, may:-
 - (i) amend the adjudication record;
 - (ii) correct any error in the adjudication record;
 - (iii) direct that the adjudication adviser conduct further investigations into the subject matter of the appeal.

(3) Where the Tribunal propose to make a decision which may adversely affect the interests of any person in the adjudication area who has not appealed, the Tribunal shall give that person an opportunity to be heard before it shall make any such decision.

32.- (1) In preparing the adjudication record, la panel, if it is satisfied that -

Principles of
adjudication

- (a) a person, a family or a group of persons are and have been or their predecessor or predecessors in title were in peaceable, open and uninterrupted occupation of land within the regularization area for not less than twelve years, shall determine that person, family or group of persons to be entitled to a right of occupancy;
- (b) a person is in occupation of village land in an urban or a peri-urban area gazetted as a regularization area which was allocated to him or his predecessor in title during Operation Vijji, shall determine that person to be entitled to a customary right of occupancy;

Land (Schemes of Regulation)

G.N. No. 85 (contd.)

- (c) a person or group of persons are in peaceable, open and uninterrupted occupation of land or are similarly using the land for not less than twelve years under an arrangement or as a result of a transaction whether under customary law or received law, and whether that occupation can be evidenced by a document in writing or not which does not fall within any of the above categories of land occupancy, shall determine the nature, incidents and extent of such an occupancy and declare that person or group of persons to occupy that land under the type of occupancy so determined, whether it be a customary right of occupancy, a granted right of occupancy or a derivative right;
 - (d) a person or group of persons are in occupation of or are using land without any right or interest so to be, shall determine such persons to be unauthorized occupiers, permitted to remain on the land temporarily as licensees;
 - (e) a person or group of persons are entitled to an interest in land within the regularization area, whether under customary law or otherwise, not amounting to occupation under customary law or received law or under a derivative right, shall determine the nature, incidents and extent of such an interest to enable it to be recorded in the name of the person or group of persons entitled to benefit from it;
 - (f) land is entirely free of any occupation or use or any right of occupation or use by any person or group of persons, shall determine that land to be land available for communal or public use;
- (2) In making any determinations under subsection (1), a panel shall have regard to the provisions of the Constitution and shall treat the rights of women to occupy or use or have interests in land no less favourably than the rights of men so to occupy or use or have interests in land.
- (3) In determining whether occupation of land has been peaceable, open and uninterrupted -
- (a) no account shall be taken of any order, declaration or scheme issued or made under the Town and Country Planning Ordinance, which purports to alter, amend or add to the incidents of any deemed right of occupancy or other right to occupy land of any person so as to render any aspect of that occupation unlawful;

Land (Schemes of Regulation)

G.N. No. 85 (contd.)

- (b) a person occupying land in an urban or peri-urban area at the will or sufferance of or as a trespasser relative to a person or organization having a title to that land, but whose occupation is recognized and accepted as being in accord with the customs of the community of which he is a part, shall be deemed to be in peaceable open and uninterrupted occupation of that land;
 - (c) it shall not be necessary that such occupation be continuous provided that when land is not occupied by a person or group of persons claiming peaceable, open and uninterrupted occupation of that land, it is not occupied by any other person or group of persons claiming peaceable open and uninterrupted occupation;
 - (d) a person shall not cease to be in uninterrupted occupation nor shall his occupation cease to be peaceable if during the period of twelve years, he has at any time been forcibly and illegally evicted from the land and has attempted to re-enter the land by all lawful means including the use of reasonable force.
- (4) A panel may record that two or more persons or groups of persons are co-occupiers and users of land, whether those persons or groups of persons have claimed to be co-occupiers or are disputing occupation or use of that land and where such a determination is made, the committee or adjudication officer as the case may be, shall determine and record the nature, incidents and extent of that co-occupation and whether those persons and groups of persons are joint occupiers or occupiers in common as provided for in Part XIV of the Land Act, 1999 or are co-occupiers, whose rights between themselves are governed by customary law.

Land (Schemes of Regulation)

G.N. No. 85 (contd.)

(5) References to 'land' in this regulation are to land the boundaries of which have been agreed to by the parties claiming an interest in that land and contiguous land or have, in the absence of such agreement, been determined by a panel.

(6) References to a period of twelve years shall be taken to mean a period of twelve years counting backwards from the date on which the regularization area in which the land the subject of adjudication is located was declared by the Minister to be a regularization area.

PART V

LOCAL LAND REGISTER

Establish- 33.- (1) A local authority within whose area of jurisdiction a
ment of local regularization area has been declared shall establish a local land register.

land register (2) A local land register shall record details of land matters as set out in this Part in all regularization areas within the area of jurisdiction of the local authority.

(3) A local authority shall appoint one or more of its officers to be registration officers of the register and where more than one officer is so appointed, the local authority shall designate one registration officer to be the principal registration officer who shall be the manager of the register.

Gazetted 34. (1) A map and written description of the boundaries of a
registration gazetted registration area shall be kept in a separate folder in the Register.
area

(2) The only entries that may be made in the folder referred to in sub-regulation (1) are -

- (a) alterations required to be made by the Commissioner to record changes in the boundaries of the area;
- (b) entries to record parcels of land that have been excised from or added to area;
- (c) entries to record parcels of land within the area designated in a regularization scheme to be land set aside for communal or public use.

Village Land

G.N. No. 86 (contd.)

35. The Occupation Register shall be the register which contains -
- (a) the record of granted rights of occupancy - Sub Part 1 of the Occupation Register;
 - (b) the record of all derivative rights - Sub Part 2 of the Occupation Register;
 - (c) the record of all dispositions and transactions involving granted rights of occupancy and derivative rights - Sub Part 3 of the Occupation Register;
 - (d) the records of all persons deemed to own licence Sub Part 4 of the Occupation Register.
- Occupation
Register

Dar es Salaam,
3rd May, 2001

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