

A BILL
For
AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
COMMISSION FOR LAND AND ENVIRONMENT, TO
MATTERS CONNECTED THEREWITH AND
INCEDENTAL THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY

1. This Act may be cited as the Commission for Land and Environment Act, 1989 and shall come into operation immediately upon being assented by the President. Short title and commencement.
2. In this Act, unless the context otherwise requires:- Interpretation
“Board” means the Board established under section 10,
“Commission” means the Commission established under section 3,
“Director” means head of any department established under this Act;
“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;
“President” means the President of Zanzibar and Chairman of the Revolutionary Council.

PART II
THE COMMISSION FOR LAND AND ENVIRONMENT

- 3 – (1) There is hereby established a Commission to be known as the Commission for Land and Environment Establishment of the Commission
(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.
4. (1) The Commission shall be the principal advisory organ of the government on all matters related to land use and conservation of environment and for that purpose, shall Function of The Commission
(a) formulate policy on land use planning and recommend its implementation by the Government; mission.
(b) co-ordinate the activities of all bodies concerned with land use planning matters and serves as a channel of communication between these bodies and the Government;
(c) encourage public institutions and private individuals in projects related to land use to be utilized for the national interest;

- (d) evaluate existing and proposed policies and the activities of the Government directed to the 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 land use planning;
- (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 use;
- (f) stimulate public and private participation in programmes and activities related to land use planning 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 use planning 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 standards and criteria for protection of environment in general law under ground water, sea water, vegetation in particular and protection of land and land utilization in accordance with its carrying capacity;
- (k) establish and operate a system of documentation and dissemination of information relating to land use planning;
- (l) examine existing laws, and where appropriate formulate proposals for legislation in the area of land use planning issues 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 use planning;
- (n) establish and maintain liaison with the Land Advisory Committees in the Districts and Regions with respect to issues and matters related to land use planning 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 plan and ensure its implementation by the regions;
- (p) undertake and promote general educational programmes in land use planning 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 not 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 use, planning and conservation of environment in general.

(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 exceeding 5,000/- shillings or to be sent to the education center for a term not exceeding 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) 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.

(3) 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.

(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 (2) of section 5 of this Act it shall be the duty of the Executive Secretary, under the direction of the Board:-

- (a) to consider means and initiate stops in the safe-guarding of land against its wrongful, wasteful or premature use or development;
- (b) to carry out investigations into the problems of land use and land use planning;
- (c) to obtain the advice of persons having special knowledge, experience, or responsibility in regard to land use and land use planning;
- (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 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 use and land use planning;
- (e) to promote, encourage, co0ordinate and carry out short-term and long-term planning and projects in land use 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 to the Commission shall be exercisable by the Deputy Executive Secretary.

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

- (a) Department of Lands;
- (b) Department of Survey and Town Planning;
- (c) Department of Environment.

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

(3) The President shall make the appointment of directors of the department established or to be established under the Commission.

(4) No person shall be eligible for the post of director in the department of Land or Department of Survey and Town 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.

***tion of the
Department

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

- (a) to co-ordinate and supervise matters related to the administration of lands 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 and property and be the main co-coordinator to the Commission on the administration of the said procedures;
- (d) To keep records, document and title deeds for the usufructory right in land in accordance with the Land Registration Act or as directed by the Commission;
- (e) To perform any other duties assigned to it by the Commission.

(2) The department of Lands and Survey established under this Act shall have the following functions:-

- (a) to collect, keep and develop all information related to land use in Zanzibar;
- (b) to prepare and revise the integrated regional economic land use plan 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 in supervising and co-coordinating all activities of the land use plan in supervising and co-coordinating all activities of the land survey and drawing of maps and charts for the land and the sea;
- (d) to advise and co-ordinate the implementation, initiation in the revision of laws and regulation related to survey and town planning;
- (e) to co0ordinate all activities related to land survey and drawing of maps and charts for the land and sea;
- (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 condition and on how it is affected different activities such as agriculture, animal husbandry, industries, tourism and construction;
 - (b) to create 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.

9. 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.

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 advise the Commission on matters related to land and environment.

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

- (a) Minister responsible for Regional Administration – Chairmen.
- (b) Attorney General – Member
- (c) Members of the National Executive Committee of CCM from Zanzibar who shall not exceed 3 appointed by the minister – Members
- (d) Members of the Parliament of Tanzania in Zanzibar and or members of the House of Representatives whose number shall not exceed 3 appointed by the Minister – Members
- (e) Person who one experts and conversant in the field of land and environment whose number shall not exceed 5 appointed by the Minister - Member
- (f) Principal Secretary to the Minister responsible for land – Member
- (g) Executive Secretary of the Commission for land and Environment - Secretary

Regional and District Advisory

12. (1) There is hereby established in every Region and every

- Committees
- District in Zanzibar Committee to be known as the Regional Land Advisory Committee and District Land 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 use 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 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 Advisory

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

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|-----|---|---|-----------|
| (a) | Regional Commissioner | - | Chairman |
| (b) | Regional Administrative Officer | - | Secretary |
| © | Regional Party Secretary | - | Member |
| (d) | Two members of the House of Representatives in the Region | - | Member |
| (e) | Regional Agricultural Officer | - | Member |
| (f) | Regional Land Officer | - | Member |
| (g) | Regional Forestry Officer | - | Member |
| (h) | Regional Land Survey and Town Planning Officer | - | Member |
| (i) | Director of Municipality or Chairman of the Town Council | - | Member |

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

- | | | | |
|-----|---------------------------------|---|-----------|
| (a) | District Commissioner | - | Chairman |
| (b) | District Administrative Officer | - | Secretary |
| © | District Party Secretary | - | Member |

- (d) A member of the House of Representatives in the District - Member
- (e) A Councillor of the Local Government - Member
- (f) District Agricultural Officer - Member
- (g) District Land Officer - Member
- (h) District Forestry Officer - Member
- (i) District Land Survey Rural/
Urban Planning - Member
- (j) Secretary of the Town Council - Member

Function of the
Regional and
District
...advisory
Committees

14. (1) The Regional Land 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 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 different land use;
 - (e) to review the implementation of laws related to land and adverse and propose amendment on the same where necessary;
 - (f) to establish and maintain good relations between the Commission and the Regional and District Committee.
- (2) The District Land 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 is 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 different land use;
- (d) to review the implementation of laws related to land and advise and propose amendment on the same where necessary.

Sub-committees 15. 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 expert in different field of learning as it may consider necessary for the purpose of facilitating the carrying out of the objective and function of the commission

(2) Every person or body of persons which is required to furnish information under sub section (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 exceeding ten thousand shillings or to be sent to the education center for a term not exceeding six months or to both such fine and imprisonment

Regulations 17. (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.

OBJECTS AND REASONS

This Bill is designed to make provision related to the establishment of the Commission for land and environment and to provide for its functions and matters connected therewith.

The Bill has seventeen clauses in all divided into two parts. Part I of the Bill contains preliminary provisions. These include the short title, commencement and interpretation clauses.

Part II of the Bill covers the establishment of the Commission and its Departments specifying its functions, appointment of the Executive Secretary to the Commission as well as providing for his functions and further establishing of the National Land Advisory Committees and lay down its composition and functions. This Part also gives power to the Minister to make regulations for the better carrying out the provisions of this Act..

SCHEDULE

**OATH TO BE MADE BY EXECUTIVE SECRETARY/DEPUTY
EXECUTIVE SESCETARU PF THE COMMISSION.**

(1) OATH OF ALLEGIANCE

I,
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...

Swear by Almighty God that I will be faithful to Zanzibar and its people which 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 deligently and truly serve Zanzibar and its people in the execution of the execution of my duties as Executive Secretary/Deputy Executive Secretary and shall at all times advise the Chairman in good faith and will not directly or indirectly disclose, or reveal the nature or content 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.....

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Signature

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President