

Tanzania

## Tanzania-Zambia Pipeline Act Chapter 40

Legislation as at 31 July 2002

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Tanzania-Zambia Pipeline Act (Chapter 40)

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# Tanzania

## Tanzania-Zambia Pipeline Act

### Chapter 40

Published in Tanzania Government Gazette

**Commenced on 30 December 1966**

*[This is the version of this document at 31 July 2002.]*

*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[G.N. No. 51 of 1967; Act No. 65 of 1966]*

**An Act to facilitate the construction and operation of an oil pipeline between the United Republic and Zambia.**

#### 1. Short title

This Act may be cited as the Tanzania-Zambia Pipeline Act.

#### 2. Interpretation

In this Act unless the context otherwise requires—

"**authorised agent of the company**" means any duly authorised employee of the company, any duly authorised contractor of or consultant to the company and the duly authorised employees of such a contractor or consultant;

"**company**" means the company designated <sup>1</sup> under section 3;

"**local authority**" means any city council, town council, district council or other similar authority established for the purpose of controlling or managing any city, town, district or other local area;

"**Minister**" means the Minister for the time being responsible for Industries;

"**pipeline**" means the pipeline constructed or proposed to be constructed by or on behalf of the company for the carriage of oil or petroleum products from Dar es Salaam in the United Republic to Zambia;

"**watercourse**" means any river, stream, gully, or channel whether artificial or not, in which water flows, whether continuously or intermittently.

#### 3. Designation of company

The Minister may, by notice published in the *Gazette*, designate a company to be the Company for the purposes of this Act and any company so designated may exercise the powers and shall perform the duties vested in or imposed on the company by this Act.

#### 4. Power to enter land

(1) The company, and any authorised agent of the company, may—

(a) enter upon any land in order to survey such land or any portion thereof; and

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Note: Under section 3 of this Act, Tazama Pipelines Ltd. was designated as the Company by G.N. No. 51 of 1967.

- (b) enter upon any land for the purpose of constructing, placing, maintaining, examining, altering or removing the pipeline.
- (2) The company and its authorised agents shall do as little damage as possible in the exercise of the powers conferred by this section and where any damage is caused by reason of the exercise of such powers the owner or occupier of the land shall be entitled to compensation therefor in accordance with the provisions of this Act.

## 5. Power to construct, etc., pipeline on any property

- (1) The company, and any authorised agent of the company, may construct, place, maintain, alter or remove pipeline in, on, over, under, along or across, any land, building, road, railway or watercourse:

Provided that—

- (a) the company shall not by reason of this Act, acquire any right other than that of user only in the property in, on, over, under, along or across which such line is constructed or placed;
  - (b) the company, or any authorised agent of the company, shall not construct, erect, place, alter or remove pipeline under this subsection unless it has first given reasonable notice, so far as is practicable, of its intention to exercise such power to the owner or occupier of the property concerned or to the local authority having the control or management of the property.
- (2) In the exercise of powers under this section, the company, and any authorised agent of the company, may—
- (a) cut and remove all such trees, undergrowth bushes and plants as they interfere or are likely to interfere with the construction, placing, maintenance, alteration or removal of existing or proposed pipeline;
  - (b) open or break up any street or road;
  - (c) open or break up any sewer, drain or tunnel in or under any street or road;
  - (d) alter the position of any pipe for the supply of water, or alter the position of any sewer, drain or tunnel, or the position of any telephone or telegraph line:  
  
Provided that in any such case the company shall make arrangements to ensure that there shall not be any undue interference with the supply of water, or with the maintenance of drainage or sewerage, or with the continuance of telephonic or telegraphic communication; and
  - (e) require the owner of any electricity supply line at the expense of the company to alter the position of such electric supply line.
- (3) Where the company or any authorised agent of the company exercises any power under this section in relation to any property under the control or management of a local authority, or the Postmaster-General or a licensee under the Electricity Act <sup>2</sup>, such authority or other person, may authorise a representative to superintend the work and may require that the work be done to the satisfaction of such representative; and any reasonable expense to which such local authority or the Postmaster-General or such licensee is put arising out of the exercise of such power and out of any such supervision shall be reimbursed by the company.
- (4) Where the company or any authorised agent of the company in the exercise of any power under this section constructs or places any pipeline in, on, over, under, along or across any road or railway it shall be so constructed and placed as not to hinder, obstruct or interfere with the passage along such road or railway.

- (5) The company and its authorised agents shall do as little damage as possible in the exercise of its powers under this section and where any damage is caused by reason of the exercise of such powers the owner or occupier of the property shall be entitled to compensation in accordance with the provisions of this Act.

## 6. Compensation for damage

- (1) Where any damage is caused to any person in consequence of the powers conferred on the company and its authorised agents by this Act, an action or suit shall not lie but that person shall be entitled to compensation and the liability to and amount of such compensation shall be determined in accordance with the provisions of this section:

Provided that nothing herein shall be construed as entitling any person to compensation—

- (a) for any damage suffered unless he would have been entitled otherwise than under the provisions of this section; or
  - (b) for any damage suffered as a result of the user of any works authorised under this Act unless such damage results from negligence in such user.
- (2) Liability to and the amount of compensation to be paid under this section shall be determined by the Area Commissioner for the area in which the property damaged is situated.
  - (3) If the company or an applicant for compensation is aggrieved by the determination of the Area Commissioner in any particular case, the company or the applicant, as the case may be, may appeal against that determination to a resident magistrate within whose jurisdiction the damaged property is situated and the decision of the resident magistrate shall be final and conclusive.

## 7. Unlawfully damaging pipeline

Any person who, without the authority of the company, wilfully destroys or damages any part of the pipeline or any works, structure or equipment incidental thereto, commits an offence and is liable upon conviction to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.