

Annex H

THE LAND TENURE ACT, NO. 12 OF 1992.

(LAND ALLOCATION REGULATIONS)

(Under Section 67(2) (b).

IN EXERCISE of the powers conferred upon him by Section 67 of the Land Tenure Act the Minister of Water, Construction, Energy and Lands makes the following Regulations:-

	PART I TITLE AND INTERPRETATION
Title and commencement	1. These regulations may be cited as the Land Allocation Regulations 2008, and shall come into force immediately after being signed by the Minister and published in the official gazette.
Interpretation	2. In this Regulation, unless the context otherwise requires:

“Allocation” means the process used by the Government for the distribution or provision of a land as a right of occupancy or lease to an individual or a group of persons or legal persons or Institutions and Organizations.

“Act” means the Land Tenure Act, 1992 and An Act to Amend Land Tenure Act, 2003.

“Application” means a request for the grant of right of occupancy or lease of a public land made by a person or group of persons to the Government.

“Application Form” means the normal form provided by the Department used for applying the plot of land.

“Court” means the Land Tribunal established by Act number 7 of 1994.

“Department” means the Department of Lands and Registration Zanzibar.

“Land Officer” means a person working in the Department designated as an officer by the Director.

“Director” means the Director for Lands and Registration.

“Head” means the officer in charge for the Department of Lands and Registration in Pemba.

“Holder” means the holder of Right of Occupancy.

“Land” means as defined by the Land Tenure Act, 1992

“Land Lease” means as defined by section 2 of the Land Tenure Act, 1992

“Land Allocation Technical Committee means” the Committee established under section 17 of this Regulation,

appointed by the Minister to advise him on allocation of land.

“Minister” means the Minister for the time being responsible for Water, Construction, Energy and Lands.

“Prescribed Fee” means declared fees by the Minister under this Regulation or any other Regulations made thereof in accordance with the provisions of the Land tenure Act, 1992, or An Act to (Amend) Land Tenure Act, 2003.

“Person” means natural and un natural and shall include body corporate.

“Right” means the Right of Occupancy granted by the Minister.

APPLICATION LETTERS AND FORMS

Applications

3. All letters for application of the residential or commercial or service plots or agricultural land shall be sent to the Director.
 - a. The Department shall record and keep the list of the applicants in a special register of the Department.
 - b. Every applicant shall pay fee that shall be prescribed from time to time by the Minister for the application form in the Department.
 - c. No application shall be considered for a grant of a right of occupancy by the Minister if it shall not consist of a well filled application form.
 - d. A properly filled application form shall be signed by the applicant and with a signature and common seal of a Sheha of the Shehia of which the applicant resides.

<p>Conditions for an applicant</p>	<p>4. Every applicant shall have to fulfil the following conditions:</p> <ul style="list-style-type: none"> a. Must be a Zanzibari as defined by Land Tenure Act, 1992 b. Must be at the age of majority. c. Must not possess more than prescribed number of plots in the Land Tenure Act.
<p>Copies of photography</p>	<p>5. The successful applicant shall have to submit to the Department three copies of the pass port size photography that shall be attached to the application file.</p>
	<p style="text-align: center;">PART III</p> <p style="text-align: center;">ALLOCATION OF LAND</p>
<p>Survey/ Site Plan</p>	<p>6. The Minister shall not allocate Land unless there is a Site plan in the Application file approved and signed by the Director of Survey and Urban Planning showing the actual demarcation of the of the parcel or parcels, means</p>

	<p>of access, available services and other relevant planning information.</p>
<p>Detailed plan Allocation</p>	<p>7. Any allocation made by the Minister as a result of a detailed plan and or Cadastral Map shall not require publication or declaration in the official gazette.</p>
<p>Principles against bias</p>	<p>8. 1. Where any matter concerning land which any member of the allocation committee or officer exercising functions under this Regulation or any member of his immediate family has an interest is allocated to, or referred to or otherwise comes to that officer or member for his advice, assistance or decision, that officer shall not exercise any functions under this Regulation in respect of that land.</p> <p>2. Where the officer referred to in subsection (1) is the Director, he shall declare his interest to the Principal Secretary, and where the officer referred to in subsection (1) is a land officer, shall declare his interest to the</p>

	<p>Director and Director shall appoint some other officer to exercise such functions.</p> <p>3. A person whom subsections (1) or (2) apply shall not influence or seek or attempt to influence any officer exercising functions under this Regulation or any other legislation to show any undue favour or preference to him or any member of his immediate family in respect of the land.</p> <p>4. Any person exercising functions under this Act to whom this section applies who contravenes any of the provisions of this section shall render himself liable to disciplinary proceedings in accordance with the Civil Service.</p>
Public utilities	<p>9. Land reserved for public purposes and utilities shall not be allocated for non public uses.</p>
Archeological, Historical sites, and Gazetted monuments	<p>10. Land containing archaeological or historical sites of every character, Gazetted Monuments or buildings and trees</p>

	<p>which are the subject of a preservation order or declared parts or protected by State Laws shall not be allocated, disturbed or removed without prior consultations with the appropriate Authority.</p>
Consistence to land uses	<p>11 The use to which the land is allocated must be consistent with the approved development plan (structure plan), part development plan (local plan) or zoning plan for the area.</p>
Religious Purpose	<p>12. Land may be allocated for Religious purposes only after due consultation with the Wakf and Trust Commission, Muftis office or other Religious Bodies</p>
Study and Assessment	<p>13. A Satisfactory Feasibility Study and Environmental Impact Assessment or Environmental Impact Study or Social Study as per the requirement of the Environmental Management for Sustainable Act, 1996, shall be presented to the Department before grants of parcel larger than 2 hacters are made for both agricultural and non agricultural purposes.</p>
Environment Protection	<p>14. Not withstanding section 11 of these Regulations the</p>

	<p>Director may require any person to submit to the Department measures for the protection of environment of the land in accordance with the use and intention of the grant or lease</p>
<p>Eligibility to the grant</p>	<p>15 The Grant of Right of Occupancy shall not be made to persons who are not eligible to hold a Right of Occupancy in terms of the Land Tenure Act, 1992</p>
<p>Powers of the Director</p>	<p>16. The Director, on behalf of the Minister Shall:-</p> <ul style="list-style-type: none"> (a) Make available the appropriate application forms. (b) Maintain a record to show the name and address of the applicant, type of right of occupancy, size and location of parcel sought or allocated, family or business particulars as appropriate and such other information as may be necessary for processing the application.

	<ul style="list-style-type: none"> (c) Compile, analyse and process application in a transparent and responsible manner. (d) Prepare estimates of fees of land requirements for different purposes. (e) Compile and keep information on land ready for allocation. (f) Prepare quarterly returns of parcels land allocated. (g) Undertake such other task as necessary to ensure efficiency and equity on land allocation.
Applicants' particulars	<p>17. The applicant shall submit before the Department the necessary particulars including his ability to develop and pay dues, the size and composition of his family.</p>

<p>A letter of notification</p>	<p>18 (a) The Director or any person authorised by him in writing shall issue letters to the successful applicants notifying their selection and explaining to them the proceeding steps required to be taken by them.</p> <p>(b) The letter issued by the Director shall indicate the following:</p> <ul style="list-style-type: none"> i). the plot number allocated. ii). Unit number. iii). Number referring the block. <p>(c) The letter shall also inform the successful applicant the amount of fee payable for the preparation of the</p>
<p>Methods of allocation</p>	<p>19 Land may be allocated by any of the following methods:-</p> <ul style="list-style-type: none"> (a) Direct grants (b) Advertisement in the media (c) Tender (d) Auction

Valuation	20. The Director of Lands and Registration will prepared a valuation of the land prior to allocation.
Committee.	21. There hereby established a Land Allocation Technical Committee (herein referred to as the Committee) that may be appointed by the minister to advice him on issues relating to land and its allocation.
Composition	22. The Land Allocation Technical Committee shall compose of the following:- i. Chairman ii. Secretary who shall be the Director. iii. Surveyor in charge iv. Six members as the Minister may from time to time appoint.
Functions of the committee	23. The functions of the committee shall be to allocate different types of lands at various levels: a) plots for the Government offices,

	<ul style="list-style-type: none"> b) plots for residential/commercial/ trade and service purposes. c) Plots for hotels, heavy, light/small industries. d) Plots for religious and charitable purposes. e) Farms not exceeding the prescribed size by the Act. f) Land for other purpose not specified above. g) Land for recreation activities. h) Land for creation of new urban centres. i) Plots for foreign missions. j) Beaches and Islands. k) Plots for housing estates exceeding an area of 5 hectares. l) Land for tourism Industry (ZIPA) m) Land for the activities which are national interest.
procedures	<p>24. Where the committee has allocated land, it shall give notice to the public in such a manner as may bring up the attention of the public showing:</p> <ul style="list-style-type: none"> a. Names of successful applicant

	<p>b. Location of land</p> <p>c. Precise number of plots</p> <p>d. The location of land.</p>
Fair management of land	<p>25. The committee shall work and manage land allocation through fair and transparent process to enable every eligible person to acquire land.</p>
Taking advantage	<p>26. Nothing in this regulation shall offer the members advantage to acquire plot(s) or cause some one to acquire plot(s) by virtue of being a member of the committee.</p>
Violation to the provision	<p>27. Any member of the committee found to violate the provisions of sub section 3 of this section or any section in this Regulation shall be terminated from membership.</p>
Economic use of land.	<p>28. The committee shall work with due effort to make sure that land is allocated fairly and at a speed that will suit the economic use of property allocated.</p>

Decision of the committee	<p>29. The decision of the committee as far as land allocation is concerned shall be considered seriously for the finalization of the process of allocation. Any change or proposal to change any thing on the findings or matter decided by the Committee shall be reported back to the Committee.</p>
Consideration of the advice	<p>30. The Minister may consider the advice submitted to him by the Land Allocation Technical Committee before making an allocation of land.</p>
Display of the list	<p>31. The list of the applicants selected by the Committee shall be displayed for a period of 30 to 45 days at the conspicuous place of the Department.</p>
	<p style="text-align: center;">PART IV</p> <p style="text-align: center;">ISSUANCE OF CERTIFICATE AND OTHER DOCUMENTS</p>
certificate	<p>32. Successful applicants will be issued with a Certificate of the Right of Occupancy specifying the following matters.</p> <p>(a) Parcel number and location</p>

	<ul style="list-style-type: none"> (b) Date of issuing Grantee's name and Address (c) Size of the parcel (d) Site plan (e) Office recording number. (f) The signature of the grantor of the right. (g) Common seal for the Ministry
Permanent certificate	<p>33. A successful applicant of a Right of Occupancy shall be obliged to follow and comply with all conditions prescribed in the application form and other conditions set in any Regulation related to the proper utilization of allocated land.</p>
	<p>34. The Certificate for Right of Occupancy offered by the Minister or any person legal empowered to offer the same to the eligible person or persons or institution shall be subjected to registration.</p>
Land licence	<p>35. Subject to the application, the Minister may issue Land Licence which shall be registered by the Registrar to a person, persons and Institutions having informal settlements after the process of formalization conducted</p>

	<p>through what is known as the up grading system.</p>
<p>Lease of public land</p>	<p>36. The Minister may lease Public Land at a period prescribed therein.</p> <ul style="list-style-type: none">a. The Lease of a Public land shall be created by a Lease Agreement made by or between the Minister on behalf of the Government who shall be referred as the lessor and the natural or legal person who shall be referred as the Lessee.b. The Minimum period for the long term lease of a public land shall be 33 years that may be renewed upon the terms and conditions agreed by the parties.c. The lease agreement shall contain a Parcel area, Standard premium, annual land rent and other charges if any.d. The Agreement shall prescribe the building or development conditions and other special

	conditions, if any.
Lease application	37. No lease of a Public land shall be made to any person unless such person has applied the same to the Director.
Change of the fees	38. The Minister will charge the following dues and fees after consultation with the Director of Lands and Registration in the amounts he will prescribe thereto. <ul style="list-style-type: none"> (a) Standard premium (b) Annual land rent (c) Survey fees and preparation fee (d) Stamp duty (e) Conveyance fee
Assessing	39. When assessing the standard premium and land rent for

premium and rents	<p>land granted on</p> <p>Lease the Minister will be guided by market value of the land in question.</p>
Abandoned Land	<p>40. Any right of occupancy or land left unattended on by the holder for a period prescribed by Land Tenure Act shall be considered as Abandoned Land. The Minister shall terminate any Certificate to the abandoned land, repossess and make proper allocation for the same.</p> <p>a. The Director shall give a ninety days notice to the holder informing the intention of the Minister to terminate the right of occupancy to the abandoned or unattended land.</p> <p>b. The holder shall be eligible to a fair compensation for the developments established thereon before the termination of the right of the abandoned or unattended land.</p>

Misrepresentation	<p>41. It shall be illegal for a person to acquire or cause some one to acquire a right of occupancy through misrepresentation.</p> <p>a. The Minister shall terminate any right of Occupancy when the holder of such right made misrepresentation in order to acquire the same.</p> <p>b. The holder shall be eligible to pay fine and other expenses prescribed in the Scheduleof this Regulation</p>
False statement	<p>42. Any person who knowingly make false statement for the purpose of granting a plot of land either himself or for any other person shall be liable and shall pay fine of not less than Two Hundred Thousand Shillings (1000,000/=)</p>

FIRST SCHEDULE.
THE REVOLUTIONARY GOVERNMENT OF ZANZIABR
THE LAND TENURE ACT, 1992
ACT NO. 12 OF 1992.

LETTERS OF APPLICATION FOR RIGHT OF OCCUPANCY
(under section)

1. Application for a Residential Plot.

Mr. /Mrs.....

P. O. Box

Zanzibar / Tanzania.

Date.....

“I/We

Of..... being a resident of
Zanzibar. I hereby apply for a plot/land at any surveyed plot in Zanzibar. I am able to
pay the necessary fees as directed by the laws.

Thanks

Sincerely Yours.

Signature.

Mr.

KISWAHILI VERSION.

Mr. /Mrs.....

O. P. Box

Zanzibar/Tanzania.

Mimi/ Sisi.....

Nikiwa/ tukiwa wa – Zanzibar . Naomba kupatiwa kiwanja cha kujenga nyumba ya kuishi mahala popote patakapopimwa

Ahsante,

Mr.....

2. Application letter for the plot of Land (commercial purpose)

Mr. /Mrs.....

P. O. Box ...

Zanzibar/Tanzania.

Date....

“I/We.....Of..... being a resident of Zanzibar. I hereby apply for a plot at any surveyed plot in Zanzibar.

Thanks

Sincerely Yours.

Signature.

THE SECOND SCHEDULE.

THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR

THE LAND TENURE ACT, 1992

ACT NO. 12 OF 1992.

APPLICATION FOR THE PARTITION OF LAND

(Under section)

LRO

I/We being the occupier of a right to occupancy registered under the above reference as joint occupier.

1.....of

2..... of

We hereby apply for partition of land into separate parcels in accordance with the plan attached thereto.

The other occupier(s) has/have consented to the partition by signing this application.

.....

Signature of applicant

Date:.....

.....

1. Signature of applicant Signature of applicant
Date:..... Date.....

THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR

THE LAND TENURE ACT, 1992

ACT NO. 12 OF 1992.

APPLICATION FOR THE CONSOLIDATION OF LAND

(Under section)

LRO

I/We being the occupier of a right to occupancy registered under the above reference as joint occupier.

1.....of

2..... of

We hereby apply for consolidation of our lands into single parcel in accordance with the plan attached thereto.

The other occupier(s) has/have consented to the consolidation by signing this application.

.....

Signature of applicant

Date:.....

.....

2. Signature of applicant Signature of applicant
Date:..... Date.....

THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR.

THE LAND TENURE ACT, 1992

(No. 12 OF 1992

NOTICE OF INTENTION TO TERMINATE LEASE

(Under sections)

C.T. No.

L.O. No.....

L.D. No.

To

of

HEREBY GIVE YOU NOTICE of my intention to terminate the lease on the ground (s)
that days/you are in breach of the following convents(s)
/conditions(s).....

.....
.....

You are required to remedy this breach within sixty days of the service of this notice upon you.

I intend to apply to court for an order of termination of the lease if the breach is not remedied within the time specified herein above. You are at liberty to apply to court for relief against the order of termination.

Dated at.....this.....day of.....

Lessor/Principal Officer of the Lessor

Served upon me/us:

Lessee/Principal Officer of the Lessee

THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR
THE LAND TENURE ACT, 1992
ACT NO. 12 OF 1992
APPLICATION FOR PARTITION BY COURT ORDER

(Under section 162)

C.T. No.

L.O. No.....

L.D. No.

I/We

of

being an occupier (s) in common of a right of occupancy registered under the above reference/being a person in whose favour an order has been made for the sale of an undivided share in the land in execution of a court decree HEREBY APPLY for an order to partition of the land occupied in common into separate parcels in accordance with the plan attached hereto.

Dated at.....day of.....

(Signature of Applicant)

Date:.....

Fee:.....

THE LAND ACT, 1992
(ACT NO. 12 OF 1992)

APPLICATION FOR THE COPY OF CERTIFICATE OF OCCUPANCY

(Under section)

C.T. No.

L.O. No.....

L.D. No.

I/We
of.....

being an occupier (s) in common of a right of occupancy registered under the above
reference HEREBY APPLY for an copy/copies of the Certificate of occupancy.

Dated at.....day of.....

(Signature of Joint Occupier(s))

Fee:.....

THE THIRD SCHEDULE

THE CERTIFICATE OF RIGHT OF OCCUPANCY;

The certificate of right shall be made by special legal papers and shall be as shown hereunder:

