

Land (Allocation Committees)

GOVERNMENT NOTICE No. 72 published on 4/5/2001

THE LAND ACT
(No. 4 OF 1999)

THE LAND REGULATIONS 2001

(Made under sections 12 & 179)

THE LAND (ALLOCATION COMMITTEES) REGULATIONS

PART I

PRELIMINARY

- | | |
|---|----------------|
| 1. These Regulations may be cited as the Land (Allocation Committees) Regulations 2001. | Citation |
| 2. In these Regulations, unless the context otherwise requires - | Interpretation |
| "Act" means the Land Act, 1999; | |
| "authorized officer" has the meaning ascribed to this expression by the Land Act; | |
| "Chief Executive Officer" means the Town Director, Municipal Director as the case may be; | |
| "Commissioner" means the Commissioner for Lands; | |
| "District Authority" means a district authority established or deemed to have been established under and governed by the Local Government (District Authorities) Act No. 7 of 1982; | |
| "Ministry" means the Ministry responsible for lands; | |
| "Urban authority" means an urban authority established or deemed to have been established under and governed by the Local Government (Urban Authorities) Act No. 8 of 1982. | |

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PART II

ESTABLISHMENT OF LAND ALLOCATION COMMITTEES

3. There is hereby established in every district authority, every urban authority and at the Ministry's headquarters a Land Allocation Committee (hereinafter referred to as "the Committee")

4. The composition of the Committee shall be:

A. At the district Authority level

- (i) The District Executive Director in charge of the district as Chairman;
- (ii) Authorized Officer as Secretary;
- (iii) Surveyor in charge;
- (iv) Town Planner in charge;
- (v) Two councilors one of whom shall be a woman;
- (vi) Any two other officers representing other sectors which the district authority deems appropriate.

B At the urban authority level:

- (i) Chief executive officer of the authority, as Chairman;
- (ii) "Authorized Officer" as Secretary;
- (iii) Surveyor in charge;
- (iv) Town Planner in charge;
- (v) Two councilor one of whom shall be a woman;
- (vi) Any two other officers representing other sectors which the urban authority deems appropriate.

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C At the Ministry's headquarters/or Central level:

- (i) The Commissioner, as Chairman;
- (ii) One "authorized officer" and appointed by the Commissioner, who shall be the Secretary; but shall not vote;
- (iii) The Director of Surveys and Mapping;
- (iv) The Director of Human Settlements (DHS);
- (v) Director responsible for gender from the Ministry of Community Development, Women and Children Affairs;
- (vi) Director of Local Government from the President's Office – Regional Administration and Local Government;
- (vii) Director of Livestock from the Ministry of Livestock and Water;
- (viii) Director for Tourism from the Ministry of Natural Resources and Tourism;
- (ix) Director responsible for Investment from the President's Office – Planning Commission;
- (x) One representative from the Ministry of Defence.

5. Membership of the Committee shall terminate on ceasing to hold the relevant central/local government post (for whatever reason including revocation of the designation "authorized officer") or revocation of these regulations which ever occurs first. Tenure

- 6. (a) The quorum at District and Urban authority level shall be half of the number of members including Chairman and Secretary. Quorum
- (b) The quorum at Central level shall be half of the number of members including the Chairman.

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Meeting

7. The Committee shall meet at such times, intervals and places as the Chairman may determine.

Voting

8. Decision at any meeting of the Committee shall be made primarily by consensus and where consensus is not reached the decision shall be by majority of members present and voting and in case of equality of votes the Chairman shall have a casting vote in his deliberative vote.

Functions

9. The functions of the Committees shall be to allocate land at the following levels -

A. At the district authority level (excluding land within boundaries of an urban authority) in respect to -

- (i) Plots for central/local government offices;
- (ii) Plots for residential, commercial/trade and service purposes;
- (iii) Plots for hotels, heavy and light/small industries;
- (iv) Plots for religious and charitable purposes;
- (v) Farms not exceeding five hundred (500) acres;
- (vi) Farms exceeding five hundred (500) acres subject to the approval of the Minister.
- (vii) Land for other purposes not specified above.

B At the urban authority level in respect to -

- (i) Plots for central/local government offices;
- (ii) Plots for residential, commercial/trade and service purposes;
- (iii) Plots for hotels, heavy and light/small industries;
- (iv) Plots for religious and charitable purposes;
- (v) Land for urban farming;
- (vi) Land for other purposes not specified above.

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**C At the Ministry's headquarters or Central level
in respect to -**

- (i) Land for creation of new urban centers;
- (ii) Plots for foreign missions;
- (iii) Beach areas and small islands;
- (iv) Plots for housing estates exceeding an area of
five hectares.
- (v) Land for allocation to the Tanzania Investment
Centre for investment purposes under the
Tanzania Investment Act, 1997
- (vi) Land for use for activities which are of interest
of national interest.

**Act No. 26
of 1997**

10.-(1) Where a Committee has allocated land, the
Committee shall give notice to the public in such a manner as may
bring notice to the attention of the public indicating -

**Procedure for
Allocation**

- (a) names of successful applicants; and**
- (b) location of land.**

**(c) Where the Minister has directed that any portion of
general land be allocated by way of auction or tender, the
Committee shall at least twenty one days before the meeting of the
Committee give notice to the public in such a manner as may
bring notice to the attention of all interested persons to such land
indicating:-**

- (a) precise number of plots, and**
- (b) the location of land.**

11. Subject to the provisions of the Land Act, the
committee may approve or disapprove an application for a right of
occupancy.

**Approval or
disapproval of
an application**

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Factors

12. Subject to the provisions of the Land Act, the Committee shall consider the following factors -
- (a) the applicant's ability to develop the land in accordance with development conditions;
 - (b) whether the applicant has attained the age of majority save where the minor's application is accompanied by the guardian's evidence of intention and ability to develop the land;
 - (c) whether the applicant has other land under a granted right of occupancy or customary right of occupancy;
 - (d) basis of first in first out;
 - (e) principles of equity, reasonableness, fairness and gender balance;
 - (f) the needs of disadvantaged groups.

Accountability
to the
Committee

13. A Land Allocation Committee established at the level of district and urban authority shall be answerable to, and be accountable to --

- (a) the local government authority having jurisdiction in the area on all day to day operations; and
 - (b) the Minister on all technical land matters.
- (2) A Land Allocation Committee established at the

Central government shall be answerable to, and be accountable to the Minister.

(3) The role of the Regional Commissioner and District Commissioner in relation to the Land Allocation Committees established within their areas of jurisdiction, shall be to investigate the legality when questioned of actions and decision of such committees, shall inform the Minister accordingly or take such other appropriate action as may be required.

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14.-(1) An Applicant who is aggrieved by a decision of the Committee at any level may appeal to the District Land and Housing Tribunal.

(2) The appellate authorities shall be guided by the following principles -

- (a) that appeals are lodged timeously and informally;
- (b) that the appellant is afforded the right to be heard; and
- (c) that the appeal is heard and determined expeditiously and without undue delay

Dar es Salaam,
3rd May, 2001

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