

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No. 22, Vol. 75, dated 27th May, 1994

Printed by the Government Printer, Dar es Salaam, by Order of Government

GOVERNMENT NOTICE No. 190 published on 27/5/94

**THE CONSTITUTION OF THE UNITED REPUBLIC
OF TANZANIA**

INSTRUMENT

Made under section 34(4)

WHEREAS in terms of section 34(4) of the Constitution of the United Republic of Tanzania, Executive Powers may be exercised by the President either directly or by delegating those powers to persons holding Offices in the service of the United Republic.

AND WHEREAS having instituted and conferred honours and awards in terms of section 4 of the Presidential Affairs Act, 1962, I deem it expedient to delegate my powers under that Act to vest such honours and awards upon some recipients;

Cap. 502

NOW THEREFORE I, ALI HASSAN MWINYI, President of the United Republic of Tanzania, DO HEREBY, in terms of section 34(4) of the Constitution of the United Republic of Tanzania, delegate my powers of vesting honours and awards to the Inspector General of Police, to vest the honours and awards for the police officers of the Police Force whom I did not vest with honours and awards on 26th April, 1994, whose names and honours and awards are listed in General Notice No. of1994.



Given under my hand and sealed with the Seal of the United Republic this 21st April, 1994.

THE STATE HOUSE,
DAR ES SALAAM
21st April, 1994

ALI HASSAN MWINYI,
President

Mwanza Municipal Council (Planting and Conservation of Trees and Forests)

GOVERNMENT NOTICE NO. 196 published on 27/5/94

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT,
1982

No. 8 OF 1982)

BY-LAWS

Made under section 80

THE MWANZA MUNICIPAL COUNCIL (PLANTING AND CONSERVATION OF TREES AND FORESTS) (AMENDMENT) BY-LAWS, 1993

G.N. No.
389 of
1985

1. These By-laws shall be cited as the Mwanza Municipal Council (Planting and Conservation of Trees and Forests) (Amendment) By-Laws, 1993 and shall be read together with the "M" Mwanza Municipal Council (Planting and Conservation of Trees and Forests) By-Laws, 1985 hereinafter referred to as the Principal By-Laws.

2. These By-laws shall apply throughout the area of jurisdiction of the Mwanza Municipal Council and shall be deemed to have come into operation on the 1st day of July, 1993.

3. The Principal By-laws is amended by adding the following definition under By-law 2:—

"Conservation area" Means an area set aside or planted with trees under these By-laws whether under a right of occupancy or on unreserved land.

"Council" shall mean the Mwanza Municipal Council.

"Forest" shall have the meaning assigned to that word under section 2 of the Forest Ordinance Cap. 389.

"Forest Officer" shall have the meaning assigned to that word under Section 2 of the forest Ordinance Cap. 389.

"Forest" reserve" shall have the meaning assigned to that word under section 5 of the forest ordinance Cap. 389.

"Forest produce" shall have the meaning assigned to that word under section 2 of the forest Ordinance. Cap. 389.

"Holder of a right of occupancy" means any person holding a right of occupancy or a deemed right of occupancy under the land ordinance Cap. 113 of the laws of Tanzania.

"Institution" shall include schools, colleges, government departments, private and public firms or companies.

"Licence" shall have the meaning assigned to that word under section 2 of the Forest Ordinance Cap. 389

"Person" shall include a firm or body corporate.

4. The Principal By-Laws are amended by deleting By-Law 3 and substituting thereof the following By-Law:—

- “3. Every village shall set aside an area of land not less than three acres as a forest reserve.
- (b) Ward shall set aside an area of land of such area to be determined by the ward committee as a forest reserve.
 - (c) Village and ward shall each year plant and conserve trees in such an area of land as directed by the council.
 - (d) Holder of land under a right of occupancy other than deemed right occupancy shall plant and conserve trees as follows.
 - (i) High density plot; three trees,
 - (ii) Medium density plots; ten trees,
 - (iii) Low density plot; twenty trees.
 - (e) Holder of a deemed right of occupancy shall plant and conserve not less than three and not more than ten trees as directed by the forest officer.
 - (f) Head of a household in a village shall plant and conserve thirty trees in an area he occupies.
 - (g) Institution shall plant and conserve trees in such an area and of such number of trees shall be directed by the forest officer.”
5. No person shall set fire in a farm land, grass, or forest without the permission of the forest officer.
6. That in the event of fire outbreak in an area described under By-Law 5 it shall be lawful for the municipal director or forest officer to order any person to extinguish the fire and any person who shall fail and/or neglect to comply with such order shall be guilty of an offence.
7. Every person who knowingly fail or neglects to inform the forest officer of the outbreak or cause of the fire shall be guilty of an offence.
8. It shall be unlawful for any person to do any of the following acts:—
- (a) to cut any tree or branch of a tree in a conservation area.
 - (b) to be found in possession of forest product without a licence.
 - (c) to be found with tree cutting article or equipments in a conservation area or forest reserve without a licence to harvest forest produce.
 - (d) to graze livestock in a conservation or forest reserve without the permission of the forest officer.
 - (e) Wilfully or negligently cause any bush or grassfire or fell, cut, burn, injure, remove any standing trees, shrub, sapling, seedling in a conservation area or forest reserve without the permission of a forest officer shall be guilty of an offence.
9. No act or thing done by the municipal director or a forest officer shall if done bona fide in exercise of any power conferred under these By-laws subject such person to personal liability or claim whatsoever.
10. Any article or equipment used for cutting or destroying trees in a conservation area or forest reserve shall be forfeited to the council.

Hanang District Council (Education Fund)

G.N. No. 196 (contd.)

11. Any forest produce obtained without a licence shall be forfeited to the Council.

12. That the penalty stated under by-law 10 and 11 here in above shall be without prejudice to any other penalty imposed under these by-laws.

13. Any person who commits any offence, or fails, neglect to comply with any order or direction under these by-laws shall be liable on conviction to a fine not exceeding five thousand shillings or twelve months imprisonment or to both such fine and imprisonment.

14. It shall be lawful for the forest officer to compound any offence under these by-laws by imposing a penalty of fine not exceeding two thousand shillings.

15. The common seal of the Mwanza Municipal Council was affixed in pursuance of a resolution passed at a meeting of the council duly convened and held on the 21st day of May, 1993, and the same was affixed in the presence of:—



J. K. MAYUNGA,
Municipal Director

C. M. SIMA,
Hon^o Mayor

I APPROVE

July, 1993,
Dodoma.

HON. JOHN SAMWEL MALECELA,
Prime Minister and First Vice-President
