

**SUBSIDIARY LEGISLATION**

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**THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES)**

ACT, 1982  
NO. 14 OF 1982

**BY-LAWS**

*Made under section 148*

**THE MOSHI DISTRICT COUNCIL (REGULATION OF AGRICULTURE IN THE LOWER MOSHI IRRIGATION DEVELOPMENT PROJECT) BY-LAWS, 1995**

1. These Regulation may be cited as the Moshi District Council (Regulation of Agriculture in Lower Moshi Irrigation Development Project) By-laws, 1995 and shall come into operation on such date when approved by the Minister responsible for Local Government.

2. The purpose of these by-laws is to effect efficient and rational operation and maintenance of the facilities, Agricultural land and water sources created under the Lower Moshi Irrigation Project, thereby contributing to the enhancement of agricultural production in the project area.

3. In these By-laws:

"Council" means the Moshi District Council.

(a) "Project" means the Lower Moshi Agricultural Development Project situated in Moshi District, Kilimanjaro Region.

(b) "Project Facilities" means facilities constructed under the project comprising of:—

- (i) Main and Secondary drains and their related structures.
- (ii) Intake Weirs, Main and Secondary Irrigation Canals and their related structures, including water gates and any other items attached to or installed in those structures.
- (iii) Trunk Farm Road, main and secondary farm roads and their related structures.
- (iv) Flood dikes, and their related structures including gates and other items attached to or installed in those structures.
- (v) Warehouse, residential quarters and utility facilities related to the buildings.
- (vi) Tertiary irrigation canals, drains, roads and their related structures.

Interpre-  
tation

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(vii) Watercourses, field drains, field roads and the related structures.

(c) "Terminal Project Facilities" means the facilities mentioned in items (i) to (v) of para (b) above.

(d) "Terminal Project Facilities" means the facilities mentioned in items (vi) to (vii) of para (b) above.

(e) "Agricultural Land" means any land for agricultural use which are located within the boundary of the Project and served by the Project Facilities.

(f) "Project Office" means an office established for the purpose of the operation and maintenance of the Project.

(g) "Project Manager" means any person appointed to supervise the Project Office and execute the operation and maintenance of the Project Facilities.

(h) "Project Beneficiaries" means any person or community holding Agricultural Land within the project area.

(j) "CHAWAMPU" means Chama cha Wakulima wa Mpunga formed by the Project Beneficiaries under the Cooperative Societies Act, 1991.

Duties of  
the Pro-  
ject Office

4. The duties of the Project Office shall include the following—

(a) Operation and maintenance of the Major Project Facilities.

(b) Providing the Project Beneficiaries with full technical assistance.

Operation  
Rule

5.—(1) The Project Beneficiaries shall execute farming operations strictly in accordance with the irrigation plans, cropping schedules and other rules set out by the Project office and approved by the Council and CHAWAMPU.

(2) Irrigation water created by the Project and conveyed with the Use of the Project Facilities shall not be delivered to any land except that entitled to receive it.

(3) The Agricultural Land shall be entitled to receive irrigation water in accordance with the predetermined irrigation schedule.

(4) Supply of irrigation water to the Agricultural Land shall be made for 24 hours a day throughout the irrigation periods, except the time or period that the Project Office may determine.

(5) The Project office shall have a right to change the irrigation schedule or to stop the supply of irrigation water to any Agricultural Land in consideration of weather conditions of Agricultural Land or in accordance with the provisions of these By-laws.

(6) The Project Beneficiaries shall not be entitled to receive the supply of irrigation water exceeding the amount allocated to them in the irrigation schedule unless they have obtained prior approval of the Project Office on the increase of water supply.

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- 6.—(1) CHAWAMPU shall collect from the Project Beneficiaries all water charge according to the Water Management Act 1974. **Collection of water charge**
- (2) The water charges for one cropping season shall be collected before the commencement of the cropping season. **Act. No. 42/74**
- (3) In case any Project Beneficiary fails to pay water charges pursuant to the provision of Rule 6(1) — (2) hereof, the Project Office shall immediately cease the supply of irrigation water to the Agricultural Land owned by such Project Beneficiaries and shall not resume the supply until the water charges with interest for the same have been paid.
7. In case it is necessary to prevent any Project Facilities from imminent danger caused by floods, storms or erosions, the Project Office shall have a right to make temporary use of any Agricultural Land, trees and any other things of the Project Beneficiaries. **Imminent case**
8. Any Project Beneficiary shall not alter the form or nature of the Agricultural Land without written approval by the Council. **Alteration of Agricultural Land**
9. Any Agricultural Land shall be utilized strictly in accordance with the cropping plan and schedule prepared by the Project Office and approved by CHAWAMPU. **Cropping plan**
10. Any Project Beneficiary who is unable to cultivate the Agricultural Land shall petition for the impracticalness of farming to the Project Office before the commencement of the cropping season and such petition shall be accepted with or without conditions. **Impracticalness of farming**
11. The Project Office shall have a right to inspect at anytime the conditions of the operation and maintenance of the Terminal Project Facilities and the use of the Agricultural Land and shall report to the Council the results thereof. **Inspection**
12. It is strictly prohibited to graze or cause grazing of livestock within the Project Area. **Grazing in the Project Area**
- (a) If anybody grazes or to be grazed any livestock within the Project Area, shall be guilty of an offence.
13. Heavy duty plants or vehicles weighing more than three tons are not allowed within the Project Terminal Facility Area. **Heavy duty plants or vehicles not allowed**
14. It is prohibited to use unrecommended chemicals and paddy seeds in the Agricultural Land of the project. **Use of Chemicals and paddy seeds**

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***G.N. No. 310 (contd.)***

- Bathing and washing clothes** 15. Nobody is allowed to take bath or wash clothes in the project canals.
- Cultivation fees** 16. Every Project Beneficiary has to pay cultivation and any other charges as may have been determined by the CHAWAMPU before the start cropping schedule.
- Sale of Agricultural proceed** 17. Every Project Beneficiary shall sell to CHAWAMPU portion of the paddy produced from the Agricultural Land as may be determined by the CHAWAMPU.
- Offences** 18. Any Project Beneficiary who contravenes any of the provisions of these By-laws shall be guilty of an offence and may be liable to punishment.
- (a) In case of first offender, a fine not exceeding three thousand shillings or imprisonment for a term not exceeding one year or both fine and imprisonment.
- (b) In case of second offender or subsequent violation of these regulations, in addition to the penalty, described in regulation 11(a), the offender may be barred from the cultivation of the Agricultural Land for a period not exceeding three years.
- Taking water without authority** 19. Any person or any Project Beneficiaries who takes water without authorization, or break irrigation rule 5 may be sentenced to a fine not exceeding three thousand shillings or six months imprisonment or both fine and imprisonment.
- Removal or destruction of Project Structures** 20.—(a) Any person who moves, stains, breaks or removes any sign set up for the purpose of executing the operation and maintenance of the Project Facilities shall be guilty of an offence and may be punished to pay a fine not exceeding three thousands shillings or one year imprisonment or to both fine and imprisonment.
- (b) Any Project Beneficiary who is found guilty of an offence under regulation 19 and is a second offender may have his Agricultural Land confiscated by the Council.
- (c) Any Project Beneficiary who contravenes the provisions of regulation 12 and is a second offence, in addition to any penalty may, with the approval of the council be ordered to keep his Livestock outside the Project area.

*Minimum Wages Board Establishment*

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*G.N. No. 310 (contd.)*

The Official seal of the Moshi District Council was affixed to these By-laws in pursuance of resolution passed at a meeting duly convened and held on eleventh day of March, 1994 and the same was affixed in the presence of:—

M. LEMNGE,  
*Chairman*

E. KAPILIMA,  
*District Executive Director*

I APPROVE

Dodoma,  
14th March, 1995

HON. CLEOPA DAVID MSUYA,  
*Prime Minister and First  
Vice-President*

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