

Nkansi District Council (Prevention of Soil Eros. and Water Conservation)

GOVERNMENT NOTICE No. 114 published on 8/4/1994

THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES), 1982
(No. 9 OF 1982)

BY-LAWS

Made under section 148

THE NKANSI DISTRICT COUNCIL (PREVENTION OF SOIL EROSION AND WATER CONSERVATION) BY-LAWS, 1994

Title	1. These By-laws shall be cited as the Nkansi District Council (Prevention of Soil Erosion and Water Conservation) By-laws, 1994 and shall come into operation on the date of approval by the Minister.
Inter-pretation	2. In these By-laws: “Athorized Officer” means any person appointed by the Council for the purposes of these By-laws; “Agricultural Officer” means any person in the service of the Council appointed to perform the duties of an agricultural Officer; “Council” means the Nkansi District Council; “Prohibited area” means any area which forms part of a steep slope is within fifteen metres of a river, a gully or a spring and including area which under these By-laws may be declared a prohibited area; “preserved area” means any area declared a preserved area under these By-laws; “steep slope” means any slope which has a percentage of slope or not less than thirty percent.
Prohi-bited	3.—(1) The Council may declare any area a prohibited or preserved. (2) All areas listed in the First Schedule to these By-laws are hereby declared to be preserved areas; (3) The Council may by resolution of the full Council amend, vary or modify the First Schedule.
Prohi-bited areas not to be cultivated or grazed	4. No person shall cultivate, cut any tree, grass or graze animals or any prohibited area.
Preven-tion of soil erosion and Water conserva-tion in re-stricted areas	5. The Council after consultation with an agricultural Officer prescribe in writing the type of agricultural or animal husbandry, the type of crops that may be planted and the steps to be taken for the prevention of soil erosion and consevation of water in a prescribe or restricted area.

Nkansi District Council (Prevention of Soil Eros. and Water Conservation)

G.N. No. 114 (contd.)

6.—(1) No person shall cultivate, grass, cut trees in a preserved or restricted areas without first having obtained a written permit in the form shown in the Second Schedule from an authorized officer. Subject to conditions

(2) Any person who cultivate or grazes on any preserved or restricted area shall comply with the conditions endorsed on the permit issued under paragraph (1) of this By-laws together with any direction given by an agricultural Officer or authorized Officer which are necessary having to the conservation of Water and Prevention of Soil erosion.

(3) Without prejudice to the generality of Paragraph (2) of this By-laws, a person who cultivates on any preserved or restricted area which is on a slope or valley, shall for the purpose of preventing soil erosion and conserving water, cultivate and maintain terraces, and shall erect helges if he is required to do so by an agricultural Officer or an authorized Officer.

7. No person shall fell trees for the purpose of making Charcoal, sawing timber in a preserved or restricted area without first obtaining a valid licence and a written permit in the form shown in the Second Schedule to these By-laws. Timber and Charcoal Permits

8. A Police Officer, an authorized Officer or an agricultural Officer may at all reasonable times enter upon any land for the purpose of inspection and for ensuring compliance with the provision of these By-laws. Inspection

9. Any matter which may be prescribed by the Council under the provisions of these By-laws shall be published in such manner as will in the opinion of the Council, ensure the contents thereof coming to the notice of the members of the Public who will or are likely to be affected hereby. Publication of Council's decisions etc.

10.—(1) Any person who contravenes or fails to comply with any of the provisions of these By-laws or any direction given by the Council shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand Shillings or imprisonment for a term not exceeding three months or to both such fine and imprisonment. Penalty

(2) In addition to any penalty which may be imposed, the court trying any case under these By-laws may issue any order which it considers appropriate in the circumstances.

11. Where upon the coming into force of these By-laws a person is maintaining any cultivated area in any area which is a prohibited area under these By-laws, and on which area he has planted permanent Crops and trees, he may continue maintaining such crops and trees. Transitional

Provided that he shall not cut any tree he has planted or which is growing in the area unless he planted another tree to replace any tree he cuts.

The Common Seal of Nkansi District Council was hereinto affixed in pursuance of a resolution passed at a meeting of the said Council duly convened and held on the 25th day of July, 1991 and the same was affixed in the presence of:—

Nkansi District Council (Prevention of Soil Eros. and Water Conservation)

G.N. No. 114 (contd.)

FIRST SCHEDULE

(BY-LAWS 3(2))

FIRST COLUMN	SECOND COLUMN
<i>Name of Ward</i>	<i>Description</i>
1. Namanyere	(1) All Villages in Namanyere Ward.
2. Mtenga	(2) All Villages in Mtenga Ward.
3. Chala	(3) All Villages in Chala Ward.
4. Mkwamba	(4) All Villages in Mkwamba Ward.
5. Kirando	(5) All Villages in Kirando Ward.
6. Kabwe	(6) All Villages in Kabwe Ward.
7. Wampembe	(7) All Villages in Wampembe Ward.
8. Kala	(8) All Villages in Kala Ward.
9. Kate	(9) All Villages in Kate Ward.
10. Kipande	(10) All Villages in Kipande Ward.

SECOND SCHEDULE

By-laws 6(1)(7)

The Nkansi District Council (Prevention of Soil Erosion and Water conservation) By-laws, 1991.

Mr/Mrs/Miss: has been permitted.....
..... (Insert relevant purpose permit whether to fell trees,
cultivation for agricultural purposes, Charcoal Making etc.....)in
Area on the following conditions:—

1.
2.
3.
4.

(1-4 insert relevant conditions)

.....
Authorized Officer/Agricultural Officer



FRANCIS A. KABUKA,
Acting District Executive Director

D. J. MIPATA,
Chairman

I APPROVE

Dodoma,
29th June, 1993

JOHN S. MALECELA (MP),
Prime Minister and First Vice-President
300