

dated the 26th June, 1959

TANGANYIKA



No. 12 of 1959

I ASSENT,

R. G. TURNBULL,
Governor

24TH JUNE, 1959

An Ordinance to provide for the establishment, control and management of National Parks, and for purposes connected therewith, and to repeal the National Parks Ordinance

[1ST JULY, 1959]

ENACTED by the Legislature of Tanganyika.

PART I

PRELIMINARY.

1. This Ordinance may be cited as the National Parks Ordinance, 1959, and shall come into operation on the 1st day of July, 1959.

Short title
and
commence-
ment

2. In this Ordinance, unless the context otherwise requires :—

“animal” includes any animal alive or dead, whether vertebrate or invertebrate or any portion thereof;

Inter-
pretation

“hunt” includes any unnecessary act towards or conduct in respect of any animal calculated to or tending to terrify or infuriate that animal;

“mining right” means any right, title, interest or authority granted under the Mining Ordinance or the Mining (Mineral Oil) Ordinance, 1958;

Cap. 123
Ord. 1958
No. 12

“Minister” means the Minister responsible for matters relating to the conservation of fauna;

“national park” means any area of land constituted; or included within, a national park by proclamation under section 3 or 4 or declared to be a national park under section 5;

“poison” means any poison in a form capable of being used to kill, injure or render unconscious any animal;

“the Trustees” means the board styled the Trustees of the Tanganyika National Parks established under section 8 and

“trustee” means a member of that Board;

“vegetation” includes any form of vegetable matter alive or dead.

PART II

ESTABLISHMENT OF NATIONAL PARKS AND BOARD OF TRUSTEES

Establishment of national parks

3. The Governor may, with the consent of the Legislative Council, by proclamation in the *Gazette*, declare any area of land to be a national park for the purposes of this Ordinance.

Restriction of powers to amend, vary or revoke a proclamation made under section 3
Cap. 1

- 4. Notwithstanding anything contained in the Interpretation and General Clauses Ordinance, no proclamation, made under the provisions of section 3 of this Ordinance, shall be amended, varied or revoked except under the authority of an Ordinance enacted by the Legislature :

Provided that the Governor may, with the consent of the Legislative Council, by proclamation in the *Gazette* alter the boundaries of any area declared to be a national park under the provisions of section 3.

Declaration of Serengeti National Park

5.—(1) The area specified in the First Schedule to this Ordinance is hereby declared to be a national park to be called the Serengeti National Park :

Provided that the proviso to section 4 shall apply to the Serengeti National Park in the same manner as it applies to an area declared to be a national park by proclamation under section 3.

(2) Where in this Ordinance any reference is made to a proclamation under section 3 or to the date upon which such a proclamation comes into operation then, in relation to the Serengeti National Park, there shall be substituted a reference to this Ordinance and to the date upon which this Ordinance comes into operation respectively.

Effect of proclamation and extinguishment of rights

6.—(1) Where the Governor, by proclamation under section 3, declares any area of land to be a national park or, by proclamation under section 4, so alters the boundaries of a national park as to include within such park any area of land hitherto not included, all rights, titles, interests, franchises, claims, privileges, exemptions or immunities of any person other than the Governor in, over, under or in respect of any land within such area shall, from the date upon which such proclamation comes into operation, cease, determine and be for ever extinguished :

Provided that, subject to the provisions of section 15, nothing in this subsection shall affect any mining right.

(2) For the avoidance of doubt it is hereby declared that nothing in this section shall be construed as preventing or restricting the Governor from granting within a national park—

(a) any mining right or other right, title, interest or authority necessary or convenient for the enjoyment of a mining right;

Establishment of board of Trustees

8.—(1) There shall be established for the purposes of this Ordinance a board of trustees which shall—

- (a) be a body corporate by the name of "the Trustees of the Tanganyika National Parks", with perpetual succession and a common seal;
- (b) in their corporate name be capable of suing and being sued;
- (c) be capable of holding, purchasing or otherwise acquiring and of alienating any movable property, and, with the consent of the Governor, any immovable property, for the purposes of any of the duties or functions conferred on the Trustees by this Ordinance.

(2) The provisions of the Second Schedule to this Ordinance shall have effect as to the constitution, proceedings and acts of, and otherwise in relation to, the Trustees.

Revenue, accounts and audit

9.—(1) The revenues of the Trustees shall consist of voluntary subscriptions, donations and bequests received by them from the public, fees and other moneys received or, with the approval of the Minister, raised by the Trustees, and such sums as may be appropriated by the Legislature for the purposes of this Ordinance.

(2) The Trustees shall keep a full and correct account of all moneys received and expended by them and shall, at the end of each of the Trustees' financial years, submit two copies of a report of their operations accompanied by a statement of their revenue and expenditure for that financial year to the Minister, which report and statement shall be laid before the Legislative Council by the Minister.

(3) The accounts of the Trustees shall be subject to audit by the Director of Audit or such other auditor as the Minister may approve.

PART III

GENERAL POWERS, DUTIES AND FUNCTIONS OF TRUSTEES

Trustees to control, manage and maintain national parks

10.—(1) It shall be the duty and function of the Trustees to control, manage, administer, and maintain national parks.

(2) The Trustees may within a national park—

- (a) construct such roads, bridges, aerodromes, buildings and fences, provide such water supplies and carry out such other works as they may consider necessary for the purpose of such national park;
- (b) take such steps as will ensure the conservation and security of the animal and vegetable life therein;
- (c) reserve or set aside any portions of such national park as breeding places for animals, and as nurseries for vegetation;
- (d) recommend sites suitable for the erection and operation, by other persons, of hotels or other buildings for the accommodation of visitors, shops or similar undertakings;

(3) The Trustees may grant their officers and servants such residential facilities in a national park as may be reasonable.

PART IV

CONTROL OF NATIONAL PARKS

Restriction
on entry
into
national
parks

14.—(1) Subject to the provisions of section 15, it shall not be lawful for any person other than—

- (a) the trustees, and the officers and servants of the Trustees; or
- (b) a public officer on duty within the national park and his servants,

to enter or be within a national park except under and in accordance with a permit in that behalf issued under regulations made under this Ordinance.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Ordinance.

Restriction
on exercise
of mining
rights

15.—(1) A person who holds a mining right in, over, under or in respect of land comprised in a national park, may enter and exercise the same within a national park if he has first given written notice to the Trustees and the Governor and complies with any conditions which the Governor, after consultation with the Trustees, may impose :

Provided that the Governor shall not impose any conditions inconsistent with the nature of any such mining right granted to such person.

(2) Without prejudice to the generality of the powers to impose conditions under this section, the Governor may impose conditions as to the numbers of persons who may be employed within a park without being in possession of a permit for the purpose of the exercise of any mining rights, and may impose conditions to be observed by such persons.

(3) Any person to whom subsection (1) of this section applies who enters any national park without first giving notice to the Trustees and the Governor, or who fails to comply with any conditions imposed by the Governor, and any person who fails to comply with any condition required, under subsection (2) of this section, to be observed by him, shall be guilty of an offence against this Ordinance.

(4) A notice given to the Governor or the Trustees under this section may either be given in respect of each entry into and exercise of rights within a national park, or with the consent of the Governor or the Trustees, as the case may be, be given generally in respect of every entry into and every exercise of rights within a national park within a period specified in the notice.

PART V

GENERAL

Regulations 18.—(1) The Trustees may, subject to the approval of the Minister, make regulations for the better carrying into effect of the provisions of this Ordinance, and without prejudice to the generality of the foregoing, such regulations may—

- (a) prescribe the conditions under which members of the public may enter, travel through or reside in a national park, provide for the issue of permits to enter, travel through and reside in a national park, and the periods or times during or at which such park or parks shall be open to the public;
- (b) prescribe the conditions under which all or any species of animal may be photographed in a national park;
- (c) prohibit or regulate the lighting of fires in a national park;
- (d) prohibit, control, or regulate the bringing into a national park of any wild or domestic animals;
- (e) prohibit or control the cutting, damaging or removal of any vegetation whether alive or dead within a national park;
- (f) prohibit the destruction or defacing of any object whether animate or inanimate in a national park and the removal therefrom of any animal or mineral product thereof;
- (g) prescribe the conditions under which the services or attendance of officers or servants of the Trustees or the services or attendance of any other person licensed by the Trustees may be obtained by any person entering, passing through or residing within a national park;
- (h) control or regulate the manner in which any person granted any right, title, interest, authority, concession or licence to operate hotels, shops or other facilities for the use of visitors to a national park may exercise the same within a national park;
- (i) prescribe the forms to be used and the fees to be paid in respect of any matter required or permitted to be done under this Ordinance or regulations made hereunder;
- (j) provide generally for the efficient control and management of national parks:

Provided that—

- (i) nothing in any regulations made under paragraphs (a), (c), (e) or (f) of this subsection shall be construed as derogating from any mining right, or from any right, title, interest, authority or licence granted to any person to erect any buildings or construct any works; and -
- (ii) no regulations made under this subsection shall apply outside a national park.

Defence of
life or
property

22.—(1) Nothing in this Ordinance shall make it an offence to take all reasonable measures, extending to the killing or injury of an animal, in defence of human life or in defence of property :

Provided that—

- (i) this section shall not apply to the taking of any measures in self-defence in relation to an animal which would, but for the provisions of subsection (1) of this section, constitute an offence against this Ordinance, if the behaviour of the animal necessitating the taking of such measures is the result of molestation or deliberate provocation by or with the knowledge and consent of the person concerned;
- (ii) nothing in this section shall be deemed to exonerate any person who, when such defence became necessary, was committing an act in contravention of any provision of this Ordinance or of any regulation made thereunder.

(2) Any person who, in any circumstances whatsoever, kills or wounds an animal in a national park, shall make a report thereof at the earliest possible moment to the nearest officer of the Trustees.

(3) Such report shall state what animal has been killed or wounded, the time, date and place of the killing or wounding, the nature of the wounds inflicted, together with any other information that might help to locate and identify it.

(4) Any person who kills or wounds an animal and who fails to report the same at the earliest possible moment in the manner required by this section shall be guilty of an offence against this Ordinance.

PART VI

REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

Repeal of
Cap. 253
and
dissolution
of board of
trustees
constituted
thereunder

23.—(1) Subject to the provisions of section 24 of this Ordinance, the National Parks Ordinance (Chapter 253 of the Laws of Tanganyika) is hereby repealed.

(2) Subject to the provisions of the Third Schedule hereto, the board of trustees constituted under the National Parks Ordinance hereby repealed, is hereby dissolved.

Saving of
regulations
made under
Cap. 253

24. Any regulations made by the trustees constituted under the National Parks Ordinance hereby repealed, and in force immediately prior to the date upon which this Ordinance comes into operation shall remain in force and effect in respect of all national parks as if they had been made under this Ordinance, until such time as they are revoked by any regulations made by the Trustees under this Ordinance, and such regulations may be enforced by the Trustees, their officers and servants, as if they were regulations made by the Trustees.

the north bank of the Orangi River; thence eastwards for approximately 19 miles along the south bank of the Orangi River to its junction with the Lukole River; thence north-eastwards for approximately 3 miles along the north-western bank of the Lukole River; thence northwards for approximately 22.2 miles crossing the eastern end of the Mtwara Hills and on to the Grumet River; thence north-north-westwards for approximately 10 miles to a point near the head waters of the Tabora River; thence north-westwards for approximately 20 miles along the main watershed to the northern bank of the Mara River; thence by the northern bank of the Mara River for approximately 22 miles to its intersection with the Kenya/Tanganyika inter-territorial boundary, the point of commencement.

The whole is delineated on Regular Plan No. Ja/26/C and Ja/26/C1, deposited with the Director of Lands and Surveys, Dar es Salaam.

SECTION 8

SECOND SCHEDULE

CONSTITUTION, PROCEEDINGS, ACTS, ETC., OF THE TRUSTEES

- Constitution of Trustees 1.—(1) The Trustees shall consist of—
- (a) the Chief Conservator of Forests and the Game Warden; and
 - (b) not more than ten and not less than six other persons appointed by the Governor.
- (2) The Governor shall appoint one of the trustees to be Chairman.
- (3) A trustee shall, unless his appointment be previously revoked, hold office for such period not exceeding five years as the Governor shall specify in the trustee's letter of appointment, but shall be eligible for re-appointment.
- Honorary trustees 2. In addition to the trustees appointed under sub-paragraph (1) of paragraph 1, the Governor may on the recommendation of the Trustees, appoint honorary trustees being persons of eminence in scientific or other attainments, but such honorary trustees shall not have any of the powers, duties or functions conferred upon the Trustees or a trustee by this Ordinance.
- Resignation 3. Any trustee may resign his office by notice in writing to the Governor.
- Vacancy 4. Subject to the provisions of paragraph 6, the Trustees may act notwithstanding any vacancy in their number.
- Defect in appointment 5. No act or proceeding of the Trustees shall be invalid by reason of the fact that there is some defect in the appointment of a person purporting to be a trustee.
- Quorum 6. The quorum of the Trustees shall be five.
- Remuneration 7. There may be paid to a trustee such reasonable fees and travelling expenses as the Trustees may, with the consent of the Minister, from time to time determine.
- Secretary 8. The Trustees shall appoint a secretary to the Trustees who shall be an officer but not a member of the Trustees, and who shall conduct the correspondence and keep the records of the Trustees and shall perform such other duties as the Trustees may from time to time direct.
- Meetings of the Trustees 9.—(a) Meetings of the Trustees shall be convened at such time and place as the chairman shall direct but so that not less than twenty-one days' notice of such meetings shall be given.
- (b) The chairman shall at any time be bound to convene a meeting of the Trustees within twenty-one days of the receipt of a requisition signed by two trustees calling upon him to do so, but so that not less than twenty-one days notice of such meeting is given.

- Officers and servants 5. The appointment of any officer or servant of the old trustees subsisting immediately before the coming into operation of this Ordinance shall, if such officer or servant so agrees, be deemed to be made by the new Trustees under the provisions of this Ordinance, and for the purposes of determining the rights of pension or gratuity on retirement, the service of any such officer or servant shall be regarded as continuous from the time he was appointed by the old trustees.
- Legal proceedings 7. Any proceedings pending at the commencement of this Ordinance to which the old trustees were party shall be continued as if the new Trustees were party thereto in lieu of the old trustees.
- Completion of acts 8. Where anything has been commenced by or under the authority of the old trustees prior to the commencement of this Ordinance and such thing is within the powers of the new Trustees or was done in relation to any of the matters transferred by this Schedule from the old trustees to the new Trustees, such thing may be carried on and completed by, or under the authority of, the new Trustees.
- Governor in Council to secure transfer 9. The Governor in Council may by order provide for any other matters which appear to him to be necessary or expedient for the purpose of securing the effective transfer of any assets or liabilities vested in the new Trustees by virtue of this Ordinance, and without prejudice to the generality of the foregoing may appoint any person to do any act or sign any document for and on behalf of the old trustees whereby the assets of the old trustees may be transferred to the new Trustees.

Passed in the Legislative Council on the ninth day of June, 1959.

C. E. FENWICK-CLENNELL,
Clerk of the Legislative Council

THE UNITED REPUBLIC OF TANZANIA



No. 7 OF 1967

I ASSENT,

J. K. NYERERE,
President

27TH APRIL, 1967

An Act to amend the National Parks Ordinance

[28TH APRIL, 1967]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Parks Ordinance (Amendment) Act, 1967, and shall be read as one with the National Parks Ordinance (hereinafter referred to as "the Ordinance").

2. Section 10 of the Ordinance is hereby amended in paragraph (e) of subsection (2) thereof by inserting immediately after the word "grant" the words and comma "lease, sub-lease".

Short title
and
constructionSection 10 of
Cap. 412
amended

 Passed in the National Assembly on the seventeenth day of April, 1967.

P. MSEKWA,
Clerk of the National Assembly