

THE LAND TENURE (AMENDMENT)

ACT NO. 15 OF 2003

ARRANGEMENT OF SECTIONS

SECTIONS:	TITLE
1.	Short title and commencement
2.	Amendment of section 2.
3.	Amendment of section 3,
4.	Amendment of section 4.
5.	Addition of new sections 6A, 6B and 6C.
6.	Amendment of section 9.
7.	Amendment of section 11.
8.	Amendment of section 33.
9.	Amendment of section 39.
10.	Amendment of section 42.
11.	Addition of new section 42A.
12.	Amendment of section 48.
13.	Amendment of section 56.
14.	Repeal of Act No. 6 of 1989.

ACT NO. 15 OF 2003

I ASSENT

**(AMANI ABEID KARUME)
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

13th NOVEMBER, 2003.

**AN ACT TO AMEND THE LAND TENURE
ACT NO. 12 OF 1992**

ENACTED by the House of Representatives of Zanzibar.

1.(1) This Act may be cited as the Land Tenure (Amendment) Act, 2003 and shall come into operation immediately after being assented to by the President.

(2) This Act shall be read as one with The Land Tenure Act, 1992 in this Act, referred to as the "Principal Act".

2. Section 2 of the principal Act is hereby amended as follows:-

(i) by the deleting the definition of the word "Commission".

(ii) by adding the following definitions:-

"Department" means the Department for Land and Registration;

"Director" means "Director for Land and Registration;

"Government" means the Revolutionary Government of Zanzibar;

"ownership" in relation to Land, apart from the Government which is the sole owner of all natural land, refers to an interest in development on the natural land, and anything connected therewith or incidental thereto, including a legal right of occupancy on that land.

3. Section 3 of the principal Act is hereby amended by deleting subsections (3) and (4) and substituting for the following:

"(3) Subject to the provisions of subsection (2) and any directions of the President, public land shall be administered in accordance with this Act by the Minister, who may control and make dispositions of public land and perform all powers and duties contained in this Act on behalf of the President.

(4) The Minister may, subject to the provisions of this Act, control and distribute public land which are under the control of the Government by grants of rights of occupancy as well as terminate those rights of occupancy when appropriate as prescribed by this Act."

4. Section 4 of the principal Act is hereby amended by deleting the words "shall be declared as" appeared in the second line and substituting for the words "is hereby declared".

5. The Principal Act is hereby amended by adding new sections 6A, 6B and 6C immediately after sections 6 as follows:

6A.(1) The department may require in writing any person or body of persons engaged in research or in any activity affecting or relating to land in Zanzibar, to furnish to it such information related to that research or activity as the department may specify.

(2) Every person or body of persons which is required to furnish information under subsection (1) of this section, shall comply with the requirement and any person or body of persons which refuses or fails to comply with that requirement shall be guilty of an offence and shall be liable on conviction to a fine not less than Fifty Thousand Shillings and not more than Five Hundred Thousand Shillings or to imprisonment for a term not less than three months and not more than six months or to both such fine and imprisonment."

6B.(1) Any person who destroys or misuses land by erecting structure(s) or building(s) or dumping or digs holes in any area not allowed or gives out all or part of the grant to other persons(s) or changes land use or uses land in such manner contrary to the direction and procedures established by this Act or any other Act concerning land matters, commits an offence and shall on conviction be liable to a fine not less than Five Hundred Thousand Shillings and not more than Two Million shillings or to imprisonment for a term not more than six months or to both such fine and imprisonment.

(2) Any person found guilty of an offence under the provisions of subsection (1) of this section, shall be required to remedy any fault caused by his misused of the land.

(3) In addition to the penalty provided for under the provisions of subsections (1) and (2) of this section, the court may issue any order which it deems fit."

6C. The Director or any officer of the department duly authorized in writing or wearing visible badge of office may, at reasonable times enter into and upon any land within Zanzibar for the purpose of exercising any power of inspection, inquiring, or execution of works which is given to the department under this Act or by any laws or regulations in force within Zanzibar."

6. Section 9 of the principal Act is hereby amended in subsection (2) by deleting the words "of lands" appeared after the word "Director".

7. Section 11 of the principal Act is hereby amended in subsections (1) and (2) by deleting the words "of land" appeared after the word "Director".

8. Section 33 of the principal Act is hereby amended in subsection (1) by deleting the word "three" appeared in that subsection and substituting for the word "two".

9. Section 39 of the principal Act is hereby amended in subsection (2) by deleting the word "three" appeared in that subsection and substituting for the word "two".

10. Section 42 of the principal Act is hereby amended in subsection (2) and (3) by deleting the word "three" appeared in that subsections and substituting for the word "two".

11. The principal Act is hereby amended by adding a new section 42A immediately after section 42 as follows:-

42A.(1) The grantee shall not harass, disturb or evict any person who dwells or cultivates on the allocated three acres plot and that person shall not extend his dwellings or cultivating areas without prior permission of the grantee.

(2) Where in that three acres plot there is a person who is cultivating, that person shall continue to be in that acre until the time of harvesting his crops or of expiry of the agreed period or given compensation to the crops in accordance with the agreement of official evaluation made.

(3) Where in that three acres plot there is a person who is living, that person shall continue to live in that acre but shall not be allowed to sale, lease, give or extend his dwellings or assigning any part thereof to any other person without prior permission of the grantee."

12. Section 48 of the principal Act is hereby amended by deleting that section and substituting for the following:

48.(1) Any violation or breach of the terms and conditions of a lease of public land restricting the sale, assignment, sub-letting, sub-diving or failure to develop the said land within thirty months from the date of commencement of the lease shall on presentation of evidence of such violation or breach, empower the Minister to terminate the said lease.

(2) Any Lessee who fails to pay a land rent after it becomes payable shall in addition to the land rent pay an additional rent amounting to 10% of the land rent for each month he was in default.

(3) Any Lessee who fails without lawful reasons to pay such a land rent and an additional rent for one year from the date that an additional rent becomes payable, the Minister shall have the right of entry and repossession of the demised land."

13. Section 56 of the principal Act is hereby amended by deleting the word "Government" appeared in that section and substituting for the word "Minister".

14.(1) The Commission for Land and Environment Act No. 6 of 1989 is hereby repealed.

(2) Notwithstanding the repeal under subsection (1) of this section, anything done under the said Act which is enforce shall be deemed to have been made under the provision of this Act.

Passed in the House of Representatives of Zanzibar on the 21st day of October, 2003.

(KHAMIS JUMA CHANDE)
CLERK OF THE HOUSE OF REPRESENTATIVES