



**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE COMMISSION FOR LANDS
ACT. NO. 6 OF 2015**

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ACT NO. 6 OF 2015

I ASSENT

{DR ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR
AND
THE CHAIRMAN OF THE REVOLUTION COUNCIL

18th June, 2015

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
COMMISSION FOR LANDS AND MATTERS CONNECTED THEREWITH
AND INCIDENTAL THERETO**

ENACTED by the House of Representatives of Zanzibar

**PART I
PRELIMINARY**

Short title and commencement. 1. This Act may be cited as the Commission for Lands Act, 2015 and shall come into operation on such date as the Minister may by notice publish in the Official Gazette.

Interpretation. 2. In this Act, unless otherwise the context requires:

"Board" means the Board of the Commission for Lands established under section 7 of this Act;

"Commission" means the Commission for land as established under section 3 of this Act;

"Executive Secretary" means the Executive Secretary of the Commission appointed under section 13 of this Act;

"Government" means the Revolutionary Government of Zanzibar;

"Land" means the meaning prescribed under Land Tenure Act;



"Minister" means the Minister responsible for Lands affairs;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

PART II THE COMMISSION FOR LANDS

Establishment of
the Commission
for Lands.

3.-(1) There is hereby established Government Agency to be known as the Commission for Lands.

(2) The Commission shall have common seal and be capable of holding, purchasing or acquiring any movable or immovable property for the purpose of carrying out the functions of the Commission.

(3) For the performance of its functions, the Commission may enter into a contract or any other transaction.

Functions of the
Commission.

4.-(1) The Commission is the Principal Advisory and Executive Organ of the Government on all matters related to land administration and management.

(2) The Commission shall have the following functions:

- (a) to recommend and advice implementation of land policy;
- (b) to advise the government on a comprehensive program for the land registration in Zanzibar;
- (c) to monitor the registration of all rights and interests in land;
- (d) to regulate national land use planning throughout the country;
- (e) to specify standards and norms for lands administration;
- (f) to recommend measures to ensure that Government policies including those for the land development take adequate accounts of their effects on land;
- (g) to develop and maintain an effective land information management system;
- (h) to regulate all surveys and mapping of Zanzibar;
- (i) to coordinate activities of all institutions concerned with lands and serve as a channel of communication between these institutions and the Government;
- (j) to undertake and promote general educational programs in land use and land administration for the purpose of creating public awareness and the role of the public in land protection and development;



- (k) to review existing land laws and where appropriate propose amendments;
- (l) to establish and maintain liaison with other national and international institutions dealing with land matters;
- (m) to establish mechanism for monitoring all activities related to land administration and management;
- (n) to advice and manage spatial development;
- (o) to conduct research on matters related to land;
- (p) to exercise such functions and powers as provided for under the Land Tenure Act as amended by this Act; and
- (q) to do all such acts and functions incidental to its proper performance and any directives of the Minister on matters relating to land management and administration.

Powers of the Commission.

5. The Commission shall have the following powers:-

- (a) to collect fees and levies from different transactions;
- (b) in consultation with the Minister, to conduct, coordinate and regulate any matter in accordance with the provisions of this Act; and
- (c) to issue rules, guidelines, directives and request a person to appear before the Commission.

**PART III:
ADMINISTRATION OF THE COMMISSION**

Structure of the Commission.

6.-(1) The structure of the Commission shall be established in accordance with the provisions of the Public Service Act.

(2) Without prejudice subsection(1) of this section the Commission shall have the following Departments :

- (a) Department of Lands;
- (b) Department of Surveys and Mapping;
- (c) Department of Urban and Rural Planning; and
- (d) The Office of Registrar of Land.

(3) The President may establish any other Department as he deems fit.



Board of the Commission.

7.-(1) There is hereby established a Board of the Commission which shall be the executive and supervisory organ of the Commission.

(2) For the purpose of this Act the members of the Board shall be called the Commissioners.

Staff of Commission.

8. The Commission may appoint staff according to Public Service Act, such number of staff and experts to serve as officers of the Commission as it may consider appropriate or necessary for the performance of the functions of the Commission.

Composition of the Board.

9.-(1) The Board shall consist of:

- (a) Chairperson who shall be appointed by the President
- (b) Principal Secretary of the Ministry of Lands;
- (c) Principal Secretary responsible for Regional Authorities;
- (d) Deputy Attorney General;
- (e) Other three members appointed by the Minister; and
- (f) The Executive Secretary of the Commission who shall be the Secretary of the Board.

(2) Where the Minister appoints such members shall have to consider the following qualifications:

- (a) Zanzibari; and
- (b) knowledge and experience of at least seven years in the field of land, investment, environment, administration, economic or law.

(3) The Chairperson shall have the following qualifications:-

- (a) be a Zanzibari;
- (b) holds at least first degree or its equivalent from a recognized institution;
- (c) has knowledge and experience of at least seven years in the field of land, investment, environment, administration, economic or law experience and knowledge of land matters of at least seven years.



Tenure of the Board. **10.**-(1) The Chairperson shall be appointed for the duration of three years and may be reappointed for a second term.

(2) The members appointed by the Minister shall be for the duration of three years and may be reappointed for a second term.

Functions of the Board. **11.**-(1) The Board shall be an overall in-charge for the administration and execution of the functions of the Commission.

(2) Without prejudice to the general function, the Board shall in particular, have the following functions:

- (a) to guide the Commission on matters relating to land management and administration;
- (b) to approve work plans, recruitment, procurement, acquisition and disposal of the property;
- (c) to appoint head of sections or unit subject to the provisions of Public Service Act;
- (d) to monitor and evaluate performance of the Commission;
- (e) to approve budget of the Commission including source of funds and expenditure;
- (f) to take effective steps to establish and maintain land administration system;
- (g) to act in accordance with all such directives of a general nature as the Minister may in writing give to the Board; and
- (h) to do all such acts as may appear to it to be necessary for the efficient and effective discharge of its function;

Powers of the Board.

12. The Board shall have the following powers:

- (a) to submit any application with recommendations relating to land allocation, lease or termination of any rights in land to the Minister for approval.
- (b) to establish committees to perform specific functions under the directives of the Board; and



- (c) to demand information concerning lands to any person, institution or organization.

Appointment and qualification of Executive Secretary.

13.-(1) There shall be an Executive Secretary of the Commission who shall be appointed by the President.

(2) A person shall qualify to be appointed as Executive Secretary if:

- (a) is a Zanzibari;
- (b) holds at least first degree or its equivalent from a recognized institution;
- (c) is a senior public officer with knowledge and experience in matters relating to land administration, land survey, physical planning, land economics, public administration or land laws.

(3) The Executive Secretary of the Commission shall be the Chief Executive Officer and shall, subject to the provisions of this Act and general directives which may be given by the Minister, be responsible for day to day administration of the Commission.

Secretariat.

14. There shall be Secretariat working under the directives of the Executive Secretary, appointed by the Board from among the senior staffs of the Commission.

Meetings of the Board.

15.-(1) The Board shall meet at least once in every three months.

(2) The Chairperson may call a special meeting of the Board at any time when receives a request for advice from the Commission or receives request from at least half of the members in writing to convene a meeting on a specified land issue.

(3) The Board may appoint one of its members to be Vice- Chairperson.

(4) The Chairperson shall preside over every meeting of the Board and in his absence the Vice-Chairperson shall preside the Meeting.

(5) In absence of both the Chairperson and Vice Chairperson from any meeting the members present shall elect one amongst them to be a temporary Chairperson of the meeting.

(6) An ordinary meeting of the Board shall be convened by the Chairperson;

(7) The notice of the meeting shall specify the place, date, time of the meeting and sent to each member at his usual place of business or residence not less than seven days before the date of such meeting.



(8) One half of the members shall constitute a quorum for any meeting of the Board.

(9) to invite a person who is not a member of the Board if necessary for the purpose of facilitating the Board in carrying out its functions.

Agenda of the meetings.

16.-(1) The Board adopts its agenda based on requests from the Commission for advice on specific lands issues and or upon its own recommendations of items to be considered.

(2) Information submitted to members in subsection (1) of this section shall be treated with high confidentiality.

Seal of the Board.

17. The seal of the Board shall be authenticated by the signature of the Chairperson, the Secretary or such other officers of the Board as the Board may appoint on that behalf.

Records of proceedings of the Board.

18. The Board shall record and keep minutes of all business conducted or transacted in its meeting that shall be read and confirmed by Board at the next meeting of the Board and signed by the Secretary and the Chairperson of the meeting.

Report of the Board.

19. The Board shall within three months after the end of each financial year, make a report to the Minister on the conduct of the Board business during that financial year.

Allowance of the Members of the Board.

20. The members of the Board shall be paid from the budget of the Commission such allowances and other remunerations as the Minister may, in consultation with the Minister responsible for finance determine.

Procedure of the Board.

21. Subject to the provisions herein referred to in this Act, the Board shall have power to regulate its own procedures.

PART V FINANCIAL PROVISIONS

Funds of the Commission.

22.-(1) There shall be separate vote in which all moneys of the Commission as approved by the House of Representatives shall be kept.

(2) The Commission may, in the discharge of its functions and in accordance with the terms and conditions upon which its funds may have been obtained or derived charge to the fund all remuneration, allowance, salaries, working expenses and all other charges properly arising, including any necessary capital expenditure.

(3) The funds and sources of the Commission shall consist of:



- (a) Subvention from the Government;
- (b) fees, rent for land lease and levies collected by the Commission;
- (c) all the payments to the Commission in respect of any matter incidental to its functions; and
- (d) any grants, donations, loans, or other lawful contributions made to the Commission.

Budget.

23.-(1) The Executive Secretary of the Commission shall within three months before the end of each financial year prepare and submit to the Minister, budget of income and expenditure of the Commission for the next financial year.

(2) The Commission shall submit to the Board the annual budget for information and endorsement.

(3) The Board after endorsement shall submit the annual budget to the Minister for approval.

Accounts and Audit.

24.-(1) The Commission shall keep books of accounts and maintain proper records of its operations and of all properties administered or controlled by the Commission.

(2) The Controller and Auditor General or any auditor recognized and approved by Controller and Auditor General for Auditing may as frequently as he sees fit and shall, at least once in every year, audit the accounts of the Commission.

Annual Report.

25.-(1) The Executive Secretary shall within three months after the end of each financial year, submit an annual report to the Minister on the conduct of the tasks of the Commission during that financial year.

(2) The report shall include the followings:

- (a) Annual financial statement of the Commission;
- (b) Achievements of the Commission;
- (c) Information regarding process of land registration;
- (d) Challenges or impediments encountered;
- (e) Any other information that the Commission may consider necessary.



**PART VI:
MISCELLANEOUS**

- Offence and Penalties.** 26. A person or body corporate knowingly and without reasonable excuse hinders or obstructs the Commission or its authorized officer in carrying out any of its functions under this Act, shall be guilty of an offence and on conviction be liable to a fine not exceeding one million Tanzania Shillings or to imprisonment for a term not exceeding six months or both.
- Regulations.** 27. The Minister may make regulations for the better carrying out of the provisions of this Act.
- Amendment of Land Transfer Act.** 28. Section 3 of Land Transfer Act, 1994 is hereby amended as follows by adding subsection (1) immediately after Section 3 by inserting a new subsection (2) which read as follows 'Subject to the provision of subsection (1) the Land Transfer Act, the Board shall submit to the Commission for Land all instruments of land or lease transfer approved by the Board'.
- Savings.** 29. Nothing in this Act shall prejudice any interest, right, power or privilege before the commencement of this Act.

PASSED by the House of Representative on 12th March, 2015

A handwritten signature in black ink, appearing to read 'Yahya Khamis Hamad'.

**YAHYA KHAMIS HAMAD
CLERK HOUSE OF REPRESENTATIVES
ZANZIBAR**