

Tanzania

Natural Resources Act

Chapter 259

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Chapter 259

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Ord. No. 30 of 1948; G.Ns. Nos. 148 of 1961; 478 of 1962; Acts Nos. 11 of 1996; 9 of 1999]

An Act to make provision for the conservation and improvement of the natural resources and for related matters.

Part I – Preliminary provisions (ss. 1-2)

1. Short title

This Act may be cited as the Natural Resources Act.

2. Interpretation

In this Act unless the context otherwise requires—

"**court**" includes a primary court established under the Magistrates' Courts Act ¹;

"**Board**" means the Natural Resources Board constituted under [section 3](#) of this Act;

"**Minister**" means the Minister responsible for natural resources;

"**natural resources**" means—

- (a) the soil and waters of Mainland Tanzania;
- (b) the animal, bird and fish life of Mainland Tanzania;
- (c) the trees, grasses and another vegetable products of the soil;
- (d) such other things as the Minister may, by proclamation in the *Gazette*, declare to be natural resources;

"**occupier**" in relation to land means any person lawfully occupying such land;

"**owner**" in relation to land, means the person, other than a mortgagee not in possession entitled, either with or without the consent of any other person, to dispose of an interest in land;

"**storm water**" means all flow water directly due to rainfall, before such water joins a stream;

"**stream**" means a water-course of natural origin wherein water flows in ordinary seasons, whether or not such water-course is dry during any period of the year and whether or not its conformation has been

changed by artificial means, and includes swamps or marshes, whether forming the source or found upon the course of or feeding such water-course.

Part II – Natural Resources Board (ss. 3-11)

3. Establishment and composition of Natural Resources Board

- (1) As from the date of the coming into operation of this Act, there shall be established a Natural Resources Board which shall comprise—
 - (a) the Permanent Secretary of the Ministry responsible for natural resources who shall be the Chairman of the Board;
 - (b) the Permanent Secretary of the Ministry responsible for local government;
 - (c) the Director of Natural Resources who shall be the executive Officer of the Board;
 - (d) five other members to be appointed by the Minister of whom four shall be persons not holding public office.
- (2) Members appointed by the Minister under subsection (1) of this section shall hold office during the Minister's pleasure.
- (3) If a member is prevented from illness, absence from Tanzania or other cause from exercising his functions on the Board, the Minister may appoint any person to act as deputy for such member during his absence.

4. Quorum and proceedings of the Board

- (1) Five members of the Board shall constitute a quorum at any meeting of the Board.
- (2) All acts, matters and things authorised and required to be done by the Board shall be decided by resolution at any meeting at which a quorum is present.
- (3) The Chairman at any meeting shall, in addition to his deliberative vote as a member of the Board, have a casting vote.
- (4) In the absence of the Chairman at any meeting of the Board, the members present shall elect one of their number to be the Chairman.
- (5) The procedure of the meetings of the Board shall be determined by the Board.

5. Functions of the Board

The functions of the Board shall be—

- (a) to exercise general supervision over natural resources;
- (b) to examine all projects concerning the conservation and improvement of water supplies and soil submitted to it by the Minister and Conservation Councils;
- (c) to stimulate by propaganda and such other means as it may deem expedient a public interest in the conservation and improvement of natural resources;
- (d) to recommend to the Minister the nature of legislation for the proper conservation, use and improvement of natural resources as it may deem necessary;
- (e) to make orders for conservation of natural resources;
- (f) to approve works to be carried out by the Minister under [section 14](#) of this Act;
- (g) to apportion costs under [section 15](#) of this Act;

- (h) to reserve land under [section 19](#) of this Act;
- (i) to make recommendations in connection with the declaration and cessation of National Parks, Game Reserves and Forest Reserves;
- (j) to make recommendations in connection with the functions of Conservation Councils;
- (k) to report to the Minister any recommendation of the Board in connection with destocking and the limitation of stock;
- (l) to recommend advances to owners or occupiers to enable them to carry out works under [section 12](#) of this Act;
- (m) to submit to the Minister an annual report; and
- (n) to carry out such other duties as the Minister may require.

6. Board to give notice to interested parties

When any matter arises for the determination of the Board, all persons having an interest in that matter shall, where reasonable, be notified in writing of the questions at issue and given facilities for making such representations thereon as they may wish. Interested persons may appear before the Board in person or by advocate.

7. Board may summon witnesses

- (1) For the determination of any subject under consideration, the Board shall have the powers which a subordinate court has to summon witnesses, to cause the oath to be administered to them, to examine them and to call for the production of documents.
- (2) A subpoena for the attendance of a witness or for the production of any book, document or record before the Board shall be signed and issued by the Executive Officer of the Board, and shall be served in the same manner as a subpoena for the attendance of a witness at a criminal trial in a subordinate court.
- (3) Any person subpoenaed to give evidence or to produce any book, document or record, or giving evidence before the Board, shall be entitled to the same privileges and immunities as if he were subpoenaed to attend or were giving evidence at a trial in a subordinate court.
- (4) Any person who fails without reasonable excuse to attend in obedience to such summons, or, subject to the provisions of subsection (3) of this section, fails to answer fully to the best of his knowledge any question relevant to the matter under investigation, or when required fails to produce any book, document or record commits an offence.

8. Penalty for giving false evidence

Any person who, after having been duly sworn, wilfully gives false evidence before the Board, knowing that evidence to be false or not knowing or not believing it to be true, shall be deemed guilty of perjury and may on conviction by a court of competent jurisdiction be punished accordingly.

9. Appeal from determination of Board

- (1) The Board shall communicate in writing the terms of any approval, decision, order or direction made by it in terms of sections [12](#), [14](#), [15](#) and [19](#) of this Act (hereinafter referred to as a determination) to any person who is or may be directly affected by that determination.
- (2) Any person who considers such determination is inequitable, unreasonable or unduly harsh may, within such time as may be prescribed, appeal to the Minister whose decision shall be final.

10. Conservation Councils

The Minister may, on the advice of the Board, by notice in the *Gazette* for the area defined in such notice appoint a council, to be called a Conservation Council.

11. Functions of Conservation Council

The functions of a Conservation Council shall be—

- (a) generally to co-operate with and assist the Board in carrying out the provisions of this Act;
- (b) to formulate for submission to the Board conservation schemes in the area for which it is appointed; and
- (c) on the recommendation of the Board and with the approval of the Minister to undertake the construction of works and other measures for the conservation of natural resources in the area for which it is appointed.

Part III – Conservation and improvement of natural resources (ss. 12-15)

12. Board may make orders for conservation of natural resources

- (1) The Board, if it considers that—
 - (a) measures are necessary for the conservation of natural resources on any land; and
 - (b) having regard to all the circumstances, it is just and equitable that such measures should be undertaken by the owner or occupier of such land,

may order in writing the owner or occupier as the Board may decide to undertake or adopt such measures as it may deem necessary for the conservation of natural resources on such land and the prevention of injury to the natural resources on other land:

Provided that all orders in respect of such public lands occupied by natives shall be addressed to the Regional Commissioner of the Region in which such public lands are situated.

- (2) The Order made under subsection (1) may relate only to—
 - (a) the use to which the land may be put;
 - (b) the preservation and protection of the source, course and banks of streams;
 - (c) the prohibition or restriction of cultivation of any part of the land;
 - (d) the method of cultivation of the land;
 - (e) the manner of watering, grazing, depasturing and moving stock;
 - (f) the control of water, including storm water;
 - (g) the construction and maintenance of works for the conservation of natural resources.
- (3) If any owner or occupier of land other than public lands occupied by natives fails or neglects to carry out any order made under subsection (1) of this section within such reasonable time as may be fixed by the Board, he shall be guilty of an offence. A Court in addition to any penalty it may impose shall make an order requiring the owner or occupier as the case may be, to carry out within a specified time the order of the Board.
- (4) If any owner or occupier of land fails or neglects to carry out any order relating to paragraphs (f) and (g) of subsection (2) of this section within such reasonable time as the Board may have fixed, the Minister may carry out or complete works which are necessary to give effect to such order and the amount of the cost of such works shall be a debt due by the owner or occupier, as the case may

be, to the Government and, until discharged, interest shall be paid thereon at a rate not exceeding three pounds ten shillings *per centum* per annum:

Provided that the Minister shall not exercise his powers under this subsection in respect of public lands occupied by natives without first informing the Regional Commissioner in whose region such public lands are situate.

- (5) Where an advance to an owner or occupier has been made by Government to enable him to carry out an order under this section, or the Minister has carried out or completed works which are necessary to give effect to such order, such advance or the amount of cost incurred by the Minister shall be a debt due by such owner or occupier to Government, and until discharged, interest shall be paid at a rate not exceeding three pounds ten shillings *per centum* per annum.
- (6) For the purposes of this section owner in respect of public lands occupied by natives shall be deemed to include the local government in whose area such lands are situate.

13. Local authority to issue directions in certain cases

- (1) Where a local authority is informed by the Regional Commissioner of orders issued by the Board under [section 12](#) of this Act in regard to public lands occupied by natives in its area, it shall give directions to the users of such land to adopt such measures as may be necessary for the conservation of natural resources on such land and the prevention of injury to the natural resources on other land by the acts or omissions of such users.
- (2) The directions given under subsection (1) may relate to—
 - (a) the use to which the land may be put;
 - (b) the preservation and protection of the source, course and banks of streams;
 - (c) the prohibition or restriction of cultivation of any part of the land;
 - (d) the method of cultivation of the land;
 - (e) the manner of watering, grazing, depasturing and moving stock;
 - (f) the control of water, including storm water.
- (3) If any user of land fails or neglects to carry out any directions made under this section within such reasonable time as may be fixed by the local authority concerned, commits an offence. A Court in addition to any penalty it may impose shall make an order requiring the user of the land to carry out within a specified time the order of the Board.

14. Minister may construct works

- (1) Notwithstanding the provisions of the Water Utilisation Control and Regulation Act ², the Minister may—
 - (a) if the Board decides that the proposed works should not be the subject of an order under [section 12](#) of this Act; and
 - (b) if the Board approves of such works as being within the public interest,construct and maintain upon any land such works as he may deem necessary for any of the following purposes—
 - (i) the protection of the source, course and feeders of a stream;
 - (ii) the disposal and control of water including storm water;

- (iii) the mitigation and prevention of soil erosion.
- (2) No such work shall be carried out on public lands occupied by natives without first informing the Regional Commissioner in whose region the work is to be carried out.
- (3) The cost of the construction of such work shall in the first instance be paid from general revenue.

15. Apportionment of costs

- (1) The Minister shall notify the Board of the cost of any works constructed under the powers conferred by [section 14](#) of this Act.
- (2) If the Board is of opinion that, having regard to all the circumstances, it is just and equitable that the owner of any land upon which any such works have been executed, or such owner and the owners of any other land which, in its opinion, has benefited from such works, should pay or contribute towards the cost thereof, it shall notify the Minister and the owner or each of the owners accordingly, and shall in such notification specify the amount of such costs, to be borne by the Government and the amount of payment or contribution to be made by such owner or by each of such owners.
- (3) The amount of payment or contribution fixed by the Board in terms of subsection (2) of this section shall be a debt due by the owner to the Government and, until discharged, interest shall be paid thereon at a rate not exceeding three pounds ten shillings *per centum* per annum, with effect from the date of notification.
- (4) For the purposes of this section owner in respect of public lands occupied by natives shall be deemed to include the local authority in whose area such lands are situate.

Part IV – General provisions (ss. 16-23)

16. Rights of entry

- (1) Subject to the restrictions imposed by subsection (2) of this section, and to the extent necessary for exercising the powers conferred or performing the duties imposed by this Act any officer or person authorised in writing by the Board, the Minister, a Conservation Council or a local authority shall have the right to enter upon any land or premises at all reasonable times with such men, animals, vehicles, appliances and instruments and to do all such acts thereon as are necessary for or incidental to the exercise of the powers or the performance of the duties under this Act.
- (2) The exercise of the rights conferred by subsection (1) of this section shall be subject to the following restrictions—
 - (a) no person shall enter any building or any enclosed yard attached to a dwelling except with the consent of the occupant;
 - (b) as little damage as possible shall be caused to any land or premises by the exercise of such rights, and compensation shall be paid for all damage so caused by the authority exercising such rights and the amount of compensation, if not mutually agreed upon, shall be determined by arbitration.
- (3) If any person prevents such entry on any area as is authorised by this section, or wilfully obstructs or hinders any person so authorised in lawfully carrying out his powers or duties under this Act, he commits an offence.

17. Penalty for discharge of storm water

Any person who by any act or by neglect, causes damage to another by diverting storm water from its natural course, or who injures any soil or water conservation work, commits an offence and in addition to any other penalty, a Court may order the payment of compensation.

18. Conservation Officers

- (1) The Board may appoint officers, to be called Conservation Officers, whose duty it shall be to assist the Board in supervising natural resources and encouraging the conservation and improvement of natural resources.
- (2) The conservation officers shall, either on their own initiative or at the request of the Board, report to the Board on such matters as appear relevant to the objects and purposes of this Act, and shall carry out such other duties as may be assigned to them by the Board in the exercise of its functions.

19. Protection of despoiled or deteriorated areas

- (1) Where any lands not held under a freehold title or in accordance with section 7 of the Land Act³ have become despoiled or are deteriorating by over-grazing or misuse, the Board may, with the approval of the Minister, direct that the whole or part of that land be reserved against human occupation or cultivation, the depasturing of stock or the cutting down or destruction of trees and other vegetation.
- (2) No direction shall be given under subsection (1) of this section in respect of any public lands occupied by natives unless the Minister is satisfied that suitable provision has been made elsewhere for natives who may be affected by such reservation and such direction may at any time be revoked or modified by the Board.
- (3) Any person who fails to comply with any direction issued under this section commits an offence.

20. Destocking and limitation of stock

- (1) Where the Minister is satisfied that the natural resources of any area are being injured or are deteriorating through overstocking of domestic animals, he may authorise the reduction of the number of such animals and prescribe the maximum number and class of such animals that may be depastured in such area.
- (2) Destocking and limitation of stock in terms of this section shall be carried out in accordance with rules made under this Act after consultation with the Livestock Board.

21. Penalty

A person convicted of an offence under this Act shall be liable—

- (a) in the case of a first conviction, to a fine not exceeding five hundred shillings or, in default of payment, to imprisonment for a period not exceeding two months; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding one thousand shillings or, in default of payment, to imprisonment for a period not exceeding three months.

22. Primary courts

Primary courts established under the Magistrates' Courts Act⁴ may try any person for offences under this Act.

³

[Cap. 113](#)

⁴

[Cap. 11](#)

23. Rules

The Minister may make rules prescribing—

- (a) the manner in which destocking and limitation of stock shall be carried out;
- (b) the manner in which the functions of Conservation Councils shall be exercised;
- (c) the conditions on which loans, subsidies or grants in aid may be made to Conservation Councils in respect of conservation schemes undertaken by them;
- (d) the apportionment of costs between owners;
- (e) for the better carrying out of the objects and purposes of this Act.