

Tanzania

Government Leaseholds (Conversion to Rights of Occupancy) Act Chapter 367

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Government Leaseholds (Conversion to Rights of Occupancy) Act
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Tanzania

Government Leaseholds (Conversion to Rights of Occupancy) Act

Chapter 367

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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.]

[G.N. No. 85 of 1970; Act No. 44 of 1969]

An Act to convert Government leaseholds into rights of occupancy, to disapply the Freehold Titles (Conversion) and Government Leases Act, 1963 and to provide for related matters.

1. Short title

This Act may be cited as the Government Leaseholds (Conversion to Rights of Occupancy) Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"**appointed day**" in relation to any Government lease means the Commissioner for Lands;

"**derivative lease**" means a sublease or a sub-sublease;

"**Government lease**" means any lease which immediately before the appointed day was a Government lease within the meaning of the Freehold Titles (Conversion) and Government Leases Act¹;

"**leaseholder**" in relation to any Government lease is the person who, immediately before the appointed day, was the holder of the Government lease;

"**Minister**" means the Minister for the time responsible for lands.

(2) All words and expressions used in, but not defined by this Act shall, unless the context otherwise requires, have the same meanings as are assigned to those words and expressions by the Land Act².

3. Conversion of Government leasehold into right of occupancy

(1) Every Government lease shall, with effect from the appointed day, be extinguished.

(2) On or after the appointed day the leaseholder shall hold the land which, immediately prior to the appointed day, was held for a Government lease under a right of occupancy which shall be deemed

¹

[Cap. 393](#)

²

[Cap. 113](#)

to have been duly granted to such leaseholder under section 6 of the Land Act³ for a term equal to the unexpired term of the Government lease for which the land was held immediately before the appointed day and, except as varied by this Act, all the provisions of the Land Act⁴ and of regulations made thereunder shall apply and extend to such right of occupancy.

4. Interests other than Government leases

- (1) For the purposes of this section "interest" includes any derivative lease, any mortgage, charge, lien or other encumbrance whatsoever, any easement or right of way, any caveat and any other right or liability created by any trust, will, agreement or covenant or otherwise howsoever.
- (2) Except to the extent necessary to give operation and effect to the provisions of this Act and of the Land Act⁵ and the regulations thereunder, the extinguishment by this Act of a Government lease shall not prejudice or affect in any way any lawful interest subsisting immediately before the appointed day in respect of the Government lease or the land held for the Government lease, and it is hereby declared that, to the extent to which it is lawful, every such interest shall, until it expires by effluxion of time or is sooner determined, continue to be of such legal effect as it would have if it had originated in respect of a right of occupancy created under section 6 of the Land Act⁶.

5. Premiums, rents, fees and other terms and conditions

- (1) A leaseholder who, by virtue of the provisions of section 4, becomes the owner of a right of occupancy over and in respect of the land previously held by him for a Government lease, shall not be required to pay any premium in respect of such right of occupancy.
- (2) For the purposes of the application of the provisions of the Land Act⁷ and the Regulations thereunder relating to rents for the right of occupancy over public land, every right of occupancy created by this Act shall be deemed to be a right of occupancy of public land, and those provisions shall, with and subject to any necessary adaptation and modifications, extend and apply accordingly.
- (3) The rent first determined by the Commissioner for any right of occupancy created by this Act shall be payable on and from the appointed day.
- (4) The rent determined by the Commissioner at any time shall continue to be payable until the Commissioner again determines such rent, the Commissioner being hereby empowered to make such determinations from time to time at intervals of not less than five years.
- (5) No fee or duty shall be charged or payable in respect of the issue under section 9 of the Land Act⁸ of the certificate in respect of a right of occupancy created by this Act.

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[Cap. 113](#)

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[Cap. 113](#)

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[Cap. 113](#)

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[Cap. 113](#)

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[Cap. 113](#)

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[Cap. 113](#)

- (6) The Commissioner may annex to any right of occupancy created by this Act such terms and conditions as he may deem desirable in the public interest.

6. Appeals

- (1) Any person aggrieved by the rent determined by the Commissioner under section 5 or by any term or condition annexed to any right of occupancy by the Commissioner under that section, may within thirty days of being notified in writing of such determination or, as the case may be, of the term or condition, appeal to the Minister against the determination of rent or the annexation of the term or condition.
- (2) The decision of the Minister on any appeal under subsection (1) shall be final and shall not be subject to review by any court.

7. Powers of Minister

- (1) In determining any appeal under section 6 the Minister shall have regard to—
 - (a) the extent of the development of the land comprised in the right of occupancy;
 - (b) whether excessive hardship will be caused to the owner of the right of occupancy by the decision of the Commissioner complained against;
 - (c) any other relevant fact.
- (2) The Minister shall have power to hear such evidence as he may consider relevant.
- (3) The Minister shall determine every appeal as the merits of the case may require.
- (4) On an appeal the Minister may give directions for—
 - (a) where the appeal is against an amount of rent determined by the Commissioner, the variation of the rent;
 - (b) where the appeal is against any term or condition annexed to the right of occupancy, the variation or removal of such term or condition,and every such direction shall be binding upon the parties concerned.
- (5) The Minister may, where he is satisfied that there is no merit in an appeal, dismiss the appeal.

8. President's power to make orders for removal of difficulties

Where, in the opinion of the President, any difficulty exists in or in relation to the administration of this Act, he may, by order published in the *Gazette*, make such provision as, in his opinion, is necessary or expedient for effecting the removal of such difficulty.

9. Regulations

The Minister may make regulations—

- (a) prescribing the manner in which an appeal shall be made under section 6;
- (b) regulating the procedure in any such appeal.

10. **Cap. 393 shall cease to apply where Government leasehold converted to right of occupancy**

Where, by virtue of the provisions of this Act, a Government lease is converted to a right of occupancy, the provisions of the Freehold Titles (Conversion) and Government Leases Act shall, with effect from the

appointed day, cease to have effect in relation to, or apply to, the land comprised in such Government lease.