

# TANZANIA LAND ALLIANCE (TALA)

PROPOSED AMENDMENTS SUBMITTED TO THE MINISTRY OF LANDS AND  
HUMAN SETTLEMENTS DEVELOPMENT

FRIDAY, JUNE 08<sup>TH</sup>, 2012

DAR ES SALAAM



## PROPOSED AMENDMENTS

NO	ACT AND SECTION AMENDED	THE CURRENT SECTION	INTENDED AMENDMENT	REASONS FOR THE AMENDMENT
1	Land Act (Cap 113) Section 2	Section 2 "general land" means all public land which is not reserved land or village land and includes un occupied or unused village land	Section 2 of the Principal Act is recommended to be amended by deleting the words "and includes un occupied or unused village land" so the section should read; "general land" means all public land which is not reserved land or village land"	The section created double jurisdiction over the same land between the Commissioner and Village authorities causing alienation of un used village land even if it is for the future use by villagers.
2	Land Act (Cap 113) Section 19 subsection (2) as amended by Act No. 2 of 2004	Section 19 (2) A person or a group of persons whether formed into a corporate body under the Companies Ordinance or otherwise who is or are non-citizens, including a corporate body	Section 19 (2) be amended to read: A person or a group of persons whether formed into a corporate body under the Companies Act or otherwise who is or are non-citizens, including a corporate body the majority of whose shareholders or owners are non-citizens, may only obtain- <i>(a) a derivative right for</i>	This will avoid foreign investors to be granted rights of occupancy and instead they should be granted derivative rights from T.I.C  It is also intended to prevent foreign investors to transact

		<p>the majority of whose shareholders or owners are non-citizens, may only obtain-</p> <p>(a) a right of occupancy for purposes of investment approved under the Tanzania Investment Act, 1997</p>	<p><i>purposes of investment approved under the Tanzania Investment Act, 1997;</i></p> <p><i>(b) to be deleted and replaced by sub section ' c '</i></p>	<p>with land without the consent of T.I.C and control ownership by investors when they cease to invest</p>
3	<p>Land Act (Cap 113) Section 25 sub-section (1) paragraph (h) and (i)</p>	<p>Section 25</p> <p>(1) An application for a right of occupancy shall be</p> <p>(h) if made by a non-citizen or foreign company, accompanied by a Certificate of Approval granted by the Tanzania Investment Centre under the Tanzania Investment Act, 1997</p>	<p>We propose deletion of the two paragraphs and a new paragraph that confines the investors land transactions to the TIC be inserted with only derivative rights of occupancy and not ownership.</p>	<p>This shall prevent foreign investors to transact with land without the consent of T.I.C and control ownership by investors when they cease to invest</p>

		<p>and any other documentation which may be prescribed by that Act, or any other law.</p> <p>(i) If an application for a right of occupancy or a derivative right, which is made by a noncitizen or a foreign company, is for residential purposes, the use of such land shall be secondary or ancillary to approved investment Tanzania under the Act</p>		
4	Land Act (Cap113) Section 45 sub-section 2	<p>Section 45 (2) The President shall not revoke a right of occupancy save for the good cause. In this subsection "good cause" shall include</p>	<p>Section 45 subsection(2) of the Principal Act is recommended to be amended by adding a paragraph after paragraph (v) and change paragraph (vi) to be paragraph (vii)</p>	<p>This will help to limit foreign investors who were granted rights of occupancy to dispose the right or where they converts or attempt to convert</p>

		<p>the following-</p> <p>(i) there has been an attempted disposition of a right of occupancy to a non-citizen contrary to this Act and any other law governing dispositions of a right of occupancy to a non-citizen;</p> <p>(ii) the land the subject of the right of occupancy has been abandoned for not less than two years;</p> <p>(iii) where the right of occupancy is of land of an area of not less than five hundred hectares, not less than eighty <i>per centum</i> of that area of land has been unused for the purpose for which the</p>	<p>(2) “The President shall not revoke a right of occupancy save for the good cause. In this subsection "good cause" shall include the following-</p> <p>(i) there has been an attempted disposition of a right of occupancy to a non-citizen contrary to this Act and any other law governing dispositions of a right of occupancy to a non-citizen;</p> <p>(ii) the land the subject of the right of occupancy has been abandoned for not less than two years;</p> <p>(iii) where the right of occupancy is of land of an area of not less than five hundred hectares, not less than eighty <i>per centum</i> of that area of land has been unused for the purpose for which the right of occupancy was granted for not less than five years;</p> <p>(iv) there has been a disposition or an attempt at a disposition which</p>	<p>local company to foreign company to one of the ground for revocation</p> <p>NB: In addition to that amendment there should be a saving clause to recognize rights of occupancy already issued before the amendment has legal force.</p>
--	--	--	---	--

		<p>right of occupancy was granted for not less than five years;</p> <p>(iv) there has been a disposition or an attempt at a disposition which does not comply with the provisions of this Act;</p> <p>(v) there has been a breach of a condition contained or implied in a certificate of occupancy;</p> <p>(vi) There has been a breach of any regulation made under this Act.</p>	<p>does not comply with the provisions of this Act;</p> <p>(v) there has been a breach of a condition contained or implied in a certificate of occupancy;</p> <p>(vi) where a right of occupancy is granted to a non-citizen or foreign company for investment purposes and investor cease to invest or attempt to dispose or disposes right of occupancy to a non-citizen or a foreign company or in any other way attempts to converts or converts local company holding a right of occupancy to a foreign company</p> <p>(vii) there has been a breach of any regulation made under this Act.”</p>	
5	Village Land Act (Cap 114) Section 7 subsection (2)	Section 7 (2)Where a village claiming or occupying and using land as village land is unable to agree with or is in dispute	Section 7 subsection (2) of the Principal Act is recommended to be amended so that the village boundaries dispute settlement process should involve District Executive Directors and Assistant Commissioners before the dispute	The rationale behind is to encourage boundary dispute resolution at the lower level before reference to the Minister

		<p>with a person or body referred to in paragraph (c) of subsection (1) as to the boundaries of the land which it is claiming or occupying and using as village land, or wishes to determine the boundaries of the land it is occupying and using in accordance with paragraph (d) of subsection (1), the Minister shall, on being satisfied that every effort has been made to try and reach an agreement on the boundaries either-</p> <p>(a) appoint a person to act as a mediator between the village and the person or body with</p>	<p>is referred to the Minister.</p> <p>(2) Where a village claiming or occupying and using land as village land is unable to agree with or is in dispute with a person or body referred to in paragraph (c) of subsection (1) as to the boundaries of the land which it is claiming or occupying and using as village land, or wishes to determine the boundaries of the land it is occupying and using in accordance with paragraph (d) of sub-section (1) shall:</p> <p>(a) refer the matter to the District Executive Director who shall use his efforts to solve the disputes and where the village or any body is not satisfied by the decision of the District Executive Director the dispute shall be referred to the Assistant Commissioner who shall also use his efforts to resolve the dispute</p>	
--	--	---	---	--

		<p>which the village is unable to reach agreement, the function of that person shall be to work with and persuade the village authorities and that person or body to reach a compromise over the boundaries; or</p> <p>(b) where the mediator reports to the Minister that despite his best endeavours, he is unable to persuade the parties to the dispute to reach a compromise on the boundaries, advise the Minister to appoint an inquiry under section 18 of the Land Act to adjudicate on and demarcate the</p>		
--	--	--	--	--



		boundaries of that village land.		
6	Village Land Act (Cap 114) Section 22 subsection(3) paragraph (f)	Section 22 (3) An application for a customary right of occupancy shall be-  (f)where the applicant is a person or group of persons referred to in subsection (2), accompanied by a signed and witnessed statement that the applicants intend to establish or commence the construction of their principal place of residence in the village within three months of obtaining a customary right of occupancy;	We recommend that the Principal Act is to be amended by repealing Section 22(3) paragraph (f) as it requires an applicant of customary right of occupancy to submit a proof of establishing settlement in the village within three months.	This requirement is difficult to implement since it is common to find in villages for a villager to have residence in one village and farms in another
7	Village Land Act (Cap 114) section 24	The section entails the requirement of offer while applying for the	We recommend that the Principal Act is to be amended by repealing section 24	The rationale behind repealing is, the section related to

		Customary right of occupancy		letters of offer which increases bureaucracy and other costs such as pictures e.t.c
8	Village Land Act (Cap 114) section 25 subsection (1) and (2)	Section 25 (1) Where a contract for a grant of a customary right of occupancy has been concluded, a village council shall, within not more than ninety days of that conclusion, grant a customary right of occupancy to the applicant who accepted the offer referred to in section 23 by issuing a certificate, to be known as a 'certificate of customary right of occupancy to that applicant.	We recommend that section 25 subsection(2) the Principal Act is to be amended by repealing and replace with the following:  (1) "Where the Applicant has applied for certificate of right of occupancy and the village council approve the grant of customary right of occupancy, the applicant shall be issued with a certificate of Customary right of occupancy"	The rationale behind repealing and replacement is that the subsection is related to letters of offer which increases bureaucracy and other costs such as pictures e.t.c

		<p>(2) A certificate of customary right of occupancy shall be-</p> <p>(a) in a prescribed form;</p> <p>(b) signed by the Chairman and secretary of the village council;</p> <p>(c) signed or marked with a personal mark by the grantee of the customary right of occupancy to which it relates at the foot of each page of the certificate;</p> <p>(d) signed, sealed and registered by the District Land Officer of the district in which the village is situated.</p>		
9	Village Land Act (Cap 114) section 54 sub-section (7) and (8)	Section 54 (7) A provisional adjudication record shall, unless an appeal	We recommend that The Principal Act is to be amended in Section 54 subsection (7) and subsection (8) by decreasing days to publish	This will help reduce days in which experts are required to stay in site

		<p>is made under the provisions of section 55, become a final adjudication record thirty days after it has been published and shall thereupon become a part of the register of village land.</p> <p>(8) A provisional adjudication record shall, where any appeal has been made under section 55, become a final adjudication record thirty days after the final disposition of that appeal.</p>	<p>information in relation to village adjudication of interest from 30 days to 14 days.</p> <p>(7) A provisional adjudication record shall, unless an appeal is made under the provisions of section 55, become a final adjudication record fourteen days after it has been published and shall thereupon become a part of the register of village land.</p> <p>(8) A provisional adjudication record shall, where any appeal has been made under section 55, become a final adjudication record fourteen days after the final disposition of that appeal.</p>	
10	Urban Planning Act, No 8 of 2007 Section 2		<p>We recommend Section 2 of the Principal Act be amended by adding the interpretation of the word “Appointed approving officer means an officer whose power is delegated by the Director to approve detailed planning</p>	<p>The rationale behind is the appointed approved officer will be delegated authority to approve plans by the Director of Urban Planning</p>

			schemes”	
11	Urban Planning Act, No 8 of 2007 Section 6	Section 6 entails appointment and responsibilities of the Director	We recommend section 6 the Principal Act is recommended to be amended by adding subsection (4) which enable Director of Town planning to delegate his authority to experts/ officers in the Regional secretariat or body of registered Town Planners  (4) “The Director may appoint Registered town planners in regional secretariat or Registered town planning firm, which shall be subject to his direction, to perform duties and exercise powers imposed to him under this Act”	The rationale behind is to facilitate the decentralization of Director of Town Planning Authority
12	Urban Planning Act, No 8 of 2007 Section 16 subsection (2)	Section 16 (2) A detailed planning scheme may be a long term or short term physical development scheme or for renewal or for re-development of any part of the Planning area	We recommend that section 16 the Principal Act is to be amended by repealing sub-section (2) and substituting it with the new provision  (2) “A detailed planning scheme may be a long or short term physical development scheme for	This is because the new provision will provide details for a detailed planning scheme

			regularization, renewal or redevelopment of any part of the planning area”	
13	Urban Planning Act, No 8 of 2007 Section 17 of subsection (1)	Section 17 (1) Any amendment or review of detailed planning scheme, shall be submitted to the Regional Secretariat for scrutiny and on receipt of the scheme, the Regional Secretariat may forward it to the Director either without, or subject to such conditions or modifications as it may consider necessary or may direct the planning authority to prepare a new scheme	We recommend that section 17 The Principal Act is to be amended by repealing sub-section (1) and substitute with a new sub-section  (1) “Any detailed planning scheme shall be submitted to the Regional Secretariat for scrutiny and on receipt of the scheme, the regional secretariat may forward to the Director or appointed Approving Officer, where applicable either without or subject to such conditions and modifications as it may be considered necessary or may direct the planning authority to prepare a new scheme”	This should be done in order to improve it by providing opportunity for authorized officers to approve detailed planning schemes
14	Urban Planning Act, No 8 of 2007 Section 17 sub-section (2)	Section 17 (2) The scheme made under the provision of subsection (1) shall be	We recommend that section 17 The Principal Act to be amended by repealing sub-section (2) and substituting it with new sub-	This will enable the Director of Town planning to delegate his authority to

		forwarded to the Director for approval	section and adding new subsection (3)  (2)“All detailed planning scheme shall be approved by the Director” (3)“The Director may delegate his powers of approving detailed planning schemes to a person with a proven probity, qualification, skills and practical experience in town planning stationed at the Regional Secretariat office”	Authorized officers
15	Urban Planning Act, No 8 of 2007 Section 17(3)	Section 17 (3) Any scheme submitted to the Director shall be approved within thirty days from the date the scheme is and unless it is disapproved in which case the Director shall furnish the relevant planning authority	We recommend that section 17 The Principal Act to be amended by repealing sub-section (3) which will be subsection (4)  (4)“Any scheme submitted to the Appointed Approving Officer or Director shall be approved within thirty days from the date the scheme is submitted and unless it is disapproved in which case	This is because sub-section (3) will be entailing the power of the Director of Town planning to delegate authority

		with written grounds for disapproval within that period	the Director or Appointed Approving Officer shall furnish the relevant Planning Authority with written grounds for disapproval within that period”	
16	Urban Planning Act, No 8 of 2007 Section 17 sub-section (4)	Section 17 (4) This section shall not apply to detailed schemes referred to under this Act	We recommend that section 17 the Principal Act to be amended by repealing sub-section (4) and substitute it with sub-section (5) and add sub-section (6)  (5) “The Planning Authority may refer to the Director, in a prescribed manner, within thirty days from the date of notification if not satisfied with the suspension or cancellation of the scheme done by the appointed approving officer  (6) “The Director may approve the scheme or uphold disapproval”	This should be done so as to have the provision which will enable the Director of Town Planning powers to approve or reject submitted plans
17	Urban Planning Act, No 8 of 2007 Section 20	Section 20 (1) The planning authority shall, within thirty days after a	We recommend that section 20 The Principal Act to be amended by repealing and replace Section 20 with new sub-sections	The new sub-sections will give authority to the Minister instead of planning authority to



		<p>scheme has been approved under section 13, 14 or 17 cause it to be published in the <i>Gazette</i> including a statement that the scheme has been approved with or without modification and may be inspected during working hours at the places and times specified in the notice</p> <p>(2) A detailed planning scheme shall take effect seven days following the date of publication in the <i>Gazette</i></p>	<p>(1)“The Minister shall within thirty days cause a redevelopment and renewal scheme to be published in the <i>Gazette</i> including a statement that the scheme has been approved with or without modification and those schemes may be inspected during working hours at the place and times specified in the notice</p> <p>(2)“A redevelopment and renewal scheme shall take effect seven days following the date of publication in the <i>Gazette</i>”</p>	publish approved planning schemes
18	Urban Planning Act, No 8 of 2007 Section 21	<p>Section 21</p> <p>(1) All schemes approved by the Director under section 17 shall be kept by the relevant planning</p>	<p>We recommend that section 21 the Principal Act to be amended in by repealing it and replacing it with a new sub-sections</p> <p>(1)“All scheme approved under</p>	<p>The new subsections will empower the Director of Town planning to be the custodian of the approved plans.</p>

		<p>authority and such schemes may be inspected by the public during working hours, and a copy of which shall be made available to any person upon payment of a fee prescribed by the Minister</p> <p>(2) Copies of all schemes approved under section 17 shall be sent to the Regional Secretariat and planning authority for custody</p>	<p>section 17, within thirty days, shall be sent to the Director and the Approving officer retain a sepia copy and such schemes may be inspected by the public during the working hours and a copy of which shall be available to any person upon payment of a prescribed fee”</p> <p>(2)“The Director may, by order in a prescribed form suspend or cancel any approval granted by the appointed approving officer where he is not satisfied</p>	<p>Again, Authorized officers will be required to retain sepia copy. The Director will have authority to postpone or cancel approvals previously issued by authorized officers</p>
19	Urban Planning Act, No 8 of 2007 Section 24 sub-section (6)	<p>Section 24</p> <p>(6) The Minister shall, after consultation with the Ministers responsible for Natural Resources and Environment by an order published in the <i>Gazette</i> determine and declare beaches</p>	<p>We recommend that The Principal Act to be amended in section 24 sub-section (6) by insert comma between words beaches and wetlands</p> <p>(6) “The Minister shall, after consultation with the Ministers responsible for Natural Resources and Environment by an order</p>	<p>The rationale behind is to create clarity in the section</p>

		wetlands, mountainous areas and coastline to be special planning areas	published in the <i>Gazette</i> determine and declare beaches, wetlands, mountainous areas and coastline to be special planning areas”	
20	Urban Planning Act, No 8 of 2007 Section 28	Section 28 entails the powers of the planning authority	We recommend the Principal Act to be amended in section 28 by adding a new section 28A  28A “Where it comes to the notice of the Director that a planning authority has not fully exercised its powers on the control of the development either in whole or in part shall order such Planning Authority to do so”	The new provision which will authorize the Director of Town Planning to issue instructions to Planning Authorities where the Director is of the opinion that the Planning Authority fail to exercise its functions
21	Urban Planning Act, No 8 of 2007 Section 31 sub-section (1)(b)	Section 31 (1)A person shall not subdivide any land unless that person- (b) Deposits with the nearest planning authority a sum sufficient to cover the fees for the survey of	The Principal Act is recommended to be amended by repealing section 31(1)(b)	This is because section 31(1)(b) is repetition to a section in the Land Survey Act

		<p>all lots comprised in the permitted subdivision or of such lots as Director of Surveys and Mapping may consider desirable to be surveyed at the same time</p>		
22	<p>Urban Planning Act, No 8 of 2007 Section 32 subsection (1)</p>	<p>Section 32  (1) An application for planning consent to develop land or approval to subdivide land or to change use of land shall be made to the planning authority or the Director as the case may be, in the form and manner prescribed by regulations made</p>	<p>We recommend that section 32 subsection (1) of the Principal to be amended by deleting the words “to the Planning Authority or the Director as the case may be”</p> <p>(1) “An application for planning consent to develop land or approval to subdivide land or to change use of land shall be, in the form and manner prescribed by regulations made under this Act”</p>	<p>This should be done so as to avoid ambiguity and to indicate that application will be made in the prescribed form.</p>

		under this Act		
23	Urban Planning Act, No 8 of 2007 Section 39	Section 39 Approval of any survey plans for the purpose of sub-divided shall not be made without evidence in writing of approval of sub-division by the Director	We recommend that Section 39 of the Principal Act to be amended by repeal and replace with the new provision  Section 39 “Approval of any survey plans shall be done if there is an approved planning scheme by the Director or an Appointed Approving officer”	This refinement to section 39 will allow delegation of authority instead of one mandate for approval to the planning schemes
24	Urban Planning Act, No 8 of 2007 Section 46 Sub-section (1)	Section 46 (1 )There shall be paid to the planning authority a levy referred to this Act as a development charge for every application, planning consent including amendment to the planning consent and approval to subdivide land or to change the use of land granted by the Director under section	The Principal Act is recommended to be amended in section 46 by inserting the word “Director”  (1 ) “There shall be paid to Director the planning authority a levy referred to this Act as a development charge for every application, planning consent including amendment to the planning consent and approval to subdivide land or to change the use of land granted by the Director under section 30,31 or 32 and for application and consent	This should be done in order to improve the section.

		30,31 or 32 and for application and consent granted by the planning authority under section 33	granted by the planning authority under section 33”	
25	Urban Planning Act, No 8 of 2007 Section 55 sub-section (1)	Section 55 sub-section (1) entails the appeals procedure that an aggrieved my appeal to the District Land and Housing Tribunal within forty five days	We recommend that section 55 sub-section (1) of the Principal Act to be amended by adding the words “High Court (Land Division)”  Section 55 (1) “...may appeal to the District Land and Housing Tribunal or the High Court (Land Division) within forty five days from the date of the notification or publication of the decision”	This should be done in order to provide an opportunity for the aggrieved person to appeal to the District Land and Housing Tribunal or the High Court (Land Division)
26	Urban Planning Act, No 8 of 2007 Section 55 sub-section (2)	Section 55 (2) where an appeal is brought under this section to the District Land and Housing Tribunal, the tribunal may dismiss or allow the appeal unconditionally or subject to such	Section 55 (2) “where an appeal is brought under this section to District Land and Housing Tribunal or High Court (Land Division) may dismiss or allow the appeal unconditionally or subject to such conditions as it deems fit or may reverse or vary any part of the decision”	The Principal Act is recommended to be amended in section 55 sub-section (2) so as to add the words “High Court (Land Division)”

		conditions as it deems fit or may reverse or vary any part of the decision		
27	Urban Planning Act, No 8 of 2007 Section 57 sub-section (2)	Section 57 (2) Any person who fails to comply with the requirement upon him under sub-section (1), shall be liable to pay such penalty as the Minister may prescribe in regulations for each day during which the failure continues and recovery of such penalty may be ordered by the District Land and Housing Tribunal on <i>inter partes</i> application, by the planning authority	Section 57 (2) “Any person who fails to comply with the requirement upon him under sub-section (1), shall be liable to pay such penalty as the Minister may prescribe in regulations for each day during which the failure continues and recovery of such penalty may be ordered by the District Land and Housing Tribunal or High Court (Land Division) on <i>inter partes</i> application, by the planning authority	The Principal Act is recommended to be amended in section 57 sub-section (2) so as to add the words “High Court (Land Division)”
28	Urban Planning Act, No 8 of 2007 Section 57 subsection (3)	Section 57 (3) Where within the period specified in the notice or within such	Section 57 (3)“Where within the period specified in the notice or within such further period as the	The Principal Act is recommended to be amended in section 57 sub-section (3) so as

		<p>further period as the planning authority may determine, measures required to be taken have not been taken, the planning authority may apply to the District Land and Housing Tribunal for orders that the planning authority may enter on the land and take those measures and may, without prejudice to any penalties recoverable under sub-section (2), recover from the person to whom the notice was served, any expenses reasonably incurred by it in connection with the taking of those measures</p>	<p>planning authority may determine, measures required to be taken have not been taken, the planning authority may apply to the District Land and Housing Tribunal or High Court (Land Division) for orders that the planning authority may enter on the land and take those measures and may, without prejudice to any penalties recoverable under sub-section (2), recover from the person to whom the notice was served, any expenses reasonably incurred by it in connection with the taking of those measures”</p>	<p>to add the words High Court (Land Division)</p>
--	--	--	---	--



29	Urban Planning Act, No 8 of 2007 Section 70 sub-section (1)	Section 70 (1)Where, by the coming of into operation of any provision contained in a scheme the value of property which is within the area in which the scheme apply is increased the plan authority may, within three years after the completion of the work that caused increase in the value of the property in question, be entitled to the value so increased of any amount calculated	Section 70 (1) “Where, by the coming of into operation of any provision contained in a scheme the value of property which is within the area in which the scheme apply is increased the Planning Authority may, within three years after the completion of the work that caused increase in the value of the property in question, be entitled to the value so increased of any amount calculated”	The Principal Act is recommended to be amended in section 70 sub-section (1) by replacing the words “plan authority” with “Planning Authority”
30	The Courts (Land Disputes Settlements) Act, No.2 of 2002, section 8	Section 8 Procedures for Mediation by the Village Land Council shall be as stipulated under section 61 of the	Section 8 of the Courts (Land Disputes Settlements) Act, No.2 of 2002, need be amended so as to specifically add subsections which shows the modality and applications of customary laws to be used in settling land disputes	This is because most villages have mixed customs and traditions which are also diverse and becomes cumbersome to members in the

		<p>Village Land Act, 1999</p> <p>Section 61 of the Village Land Act, 1999  (4)The village land council shall exercise its functions of mediation in accordance with-</p> <p>(a) any customary principles of mediation</p>		<p>village Land Council in applying them or what customs to be used when solving land disputes</p>
31	The Courts (Land Dispute Settlements) Act	<p>Section 5(2) of Courts (Land Dispute Settlements) Act makes reference to section 60 of the Village Land Act regarding the qualification for nomination and appointment of village Land Council members</p>	<p>The Section 60 of the Village Land Act does not have any provision which prohibit the village council members from being the village land council members. We recommend that the said section be amended to include in its subsection 5 a category that prohibits Village Council members from becoming members to the village land Council</p>	<p>This will clearly separated the mandate and obligations of each organ since the village council deals with land administration, while the village land council deals with land disputes. Again, the amendment circumvent conflict of interest and dispense of justice be accrued.</p>
32	The Courts (Land	Section 9	We recommend amendment to	This will assist timely

	Dispute Settlements) Act Section 9	Where the parties to the dispute before the Village Land Council are not satisfied with the decision of the Council, the dispute in question shall be referred to the Ward Tribunal in accordance with section 62 of the Village Land Act, 1999	section 9 of the to state the manner and duration of lodging appeal to the ward tribunal, since the reference of section 62 of the village Land Act is also silent on modality of appeals from the Village Land Tribunal	disposition of cases by way of appeal instead of instituting a fresh case to the ward which the Village land Tribunal has already entertained.
33	The Courts (Land Dispute Settlements) Act	Sections 6 of the Act provides; the registrar of village appointed under section 23 of the Local Government (District Authorities) Act, 1982 shall be responsible for the total administrative functions of all Village Land Council and Ward tribunals and shall; (b)be responsible for	We recommend both sections to the Act be repealed and replaced by the a section that will offer the mandate to authorities responsible for judicial services as other normal courts estimates and expenditures are regulated or managed rather than the current position which is characterized by a diversity of local and central government to deal with the expense and expenditure of the tribunals	This will necessitate a clear boundary of line of accountability of such organs under the Judicial system only

		estimates and expenditure		
	The Courts (Land Dispute Settlements) Act	Sections 28 of the Act provides; (1)there shall be a registrar who shall be appointed by the president (2)the registrar appointed under sub section (1) - (c) shall be responsible for estimates and expenditure		
34	The Courts (Land Dispute Settlements) Act Section 13 subsection (1) and (2)	Section 13 (1) subject to the provision of subsection (1) of section 8 of the Ward Tribunals Act,1985, the primary function of each Tribunal shall be to secure peace and harmony in the area for which it is established, by	The Principal Act is recommended to be amended in section 13 subsection (1) and (2) to include a clause providing for independent ward land tribunal to deal with	This will help to add integrity in performing their tasks as the current ward tribunal deals with both criminal and civil matters

		<p>mediating between and assisting parties to arrive at a mutually acceptable solution on any matter concerning land within its jurisdiction</p> <p>(2) Without prejudice to the generality of subsection (1), the Tribunal shall have jurisdiction to enquire into and determine disputes arising under the Land Act, 1999 and the Village Land Act, 1999</p>		
35	The Courts (Land Dispute Settlements) Act Section 10 subsection (1)	<p>Section 10</p> <p>(1) Each Ward Tribunal established under the Ward Tribunals Act, 1985 shall be a Court for the purpose of this Act, the Land Act, 1999 and the Village</p>	<p>We recommend that Section 10 of the Principal Act to be amended by including a provision which will state clearly the geographical jurisdiction of the ward tribunal</p> <p>(1) “Each Ward Tribunal established under the Ward Tribunals Act, 1985 shall be a Court for the</p>	<p>This is because the current provision left the geographical jurisdiction within the district rather it should be within the ward for administrative purposes.</p>

		Land Act, 1999 and shall have jurisdiction and powers in relation to the area of a District Council in which it is established	purpose of this Act, the Land Act, 1999 and the Village Land Act, 1999 and shall have jurisdiction and powers in relation to the area of a Ward in which it is established”	
36	The Courts (Land Dispute Settlements) Act Section 32	Section 32 The language of the District Land and Housing Tribunal shall be either English or Kiswahili as the Chairman holding such tribunal may direct except that the record and judgment of the Tribunal shall be in English.	We recommend that section 32 of the Principal Act to be amended by including a provision which will stipulate that the judgment should be recorded in either Kiswahili or English  Section 32 “The language of the District Land and Housing Tribunal shall be either English or Kiswahili as the Chairman holding such tribunal may direct and that the record and judgment of the Tribunal shall be in English or Kiswahili”	This should be done so as to create a fair forum for both Swahili and English parties to understand the judgment contents