

TANGANYIKA



No. 43 OF 1963

I ASSENT.

Julius K. Nyerere
President

19. TH SEPTEMBER, 1963

An Act to amend the Ngorongoro Conservation Area Ordinance

[- - - - -]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Ngorongoro Conservation Area Ordinance (Amendment) Act, 1963, shall be read as one with Ngorongoro Conservation Area Ordinance (hereinafter called the Ordinance) and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint.

Short title construction and commencement Cap 413

2. Section 2 of the Ordinance is hereby amended-

- (a) by deleting the definitions "the Authority" and "Provincial Commissioner";
- (b) by inserting immediately after the definition "Conservation Area" the following new definition:-
"Conservator" means the Conservator of the Conservation Area appointed under section 4;"; and
- (c) by inserting immediately after the definition "Minister" the following new definition:-
"Regional Commissioner" means the Regional Commissioner for the Arusha Region;"

Section 2 of Cap 413 amended

3. Section 4 of the Ordinance is hereby repealed and replaced by the following new section:-

4.-(1) There shall be appointed a Conservator who shall and be charged with the duty, in accordance with the provisions of this Act, of conserving and developing the natural resources of the Conservation Area.

"Appointment of Conservator"

(2) There may be appointed one or more Assistant Conservators who shall be subject to the directions of the Conservator."

Section 4 of cap 413 repealed and replaced

Section 5
of Cap. 413
repealed
Section 6
of Cap. 413
amended

4. The Ordinance is hereby amended by repealing section 5 thereof.

5. Section 6 of the Ordinance is hereby amended-

- (a) in subsection (1) thereof, by deleting the first line and substituting therefor the words and comma "Subject to the provisions of section 13, the Minister may ;
- (b) in subsection (2) thereof, by deleting from paragraph (a) the words "or members of the Authority" and substituting therefor the words "or of the Conservator or any person authorized by him"; and
- (c) in subsection (3) thereof-
 - (i) by deleting the word "Authority" wherever it appears in Paragraphs (b), (c) and (g) and substituting therefor in each case the word "Conservator";
 - (ii) by deleting paragraph (e) and substituting therefor the following new paragraph:-

"(e) empower the Conservator to erect barriers on roads or tracks into or within the Conservation Area for the control of entry into the area to which such rules apply, to close any such roads or tracks to traffic and to prohibit, control and regulate the erection and display of signs and advertisements on or adjacent to roads or tracks within the Conservation Area;"
 - (iii) by deleting the words "Provincial Commissioner" from the first line of paragraph (c) and substituting therefor the word "Minister"; and
 - (iv) by deleting the words "members of the Authority" wherever they appear in paragraphs (d) and (h) and substituting therefor in each case the words "the Conservator or any person authorized by him"

Section 7
of Cap. 413
amended

6. Section 7 of the Ordinance is hereby amended-

- (a) in subsection (1) thereof, by deleting the first line and substituting therefor the words and comma "Subject to the provisions of section 13, the Minister may";
- (b) in subsection (2) thereof-
 - (i) by deleting the word "Authority" wherever it appears in paragraphs (b) and (d) and substituting therefor in each case the word "Conservator"; and
 - (ii) by deleting the words "members of the Authority" where they appear in paragraph (g) and substituting therefor the words "the Conservator or any person authorized by him"; and
- (c) in subsection (3) thereof-
 - (i) by deleting the word "Authority" wherever it appears therein and substituting therefor in each case the word "Conservator"; and

(ii) by deleting the words "Provincial Commissioner" wherever they appear therein and substituting therefor in each case the word "Minister"

7. Section 8 of the Ordinance is hereby amended-

Section 8
of Cap 413
amended

(a) by deleting the word "Authority" wherever it appears therein and substituting therefor in each case the word "Conservator" and

(b) by deleting from the second line of subsection (1) thereof the words "Provincial Commissioner" and substituting therefor the word "Minister"

8. Section 9 of the Ordinance is hereby amended-

Section 9
of Cap 413
amended

(a) by deleting the word "Authority" wherever it appears therein and substituting therefor in each case the word "Conservator",

(b) by deleting from the fifth line of subsection (1) thereof the word "it" and substituting therefor the word "he"; and

(c) by deleting from the sixth and seventh lines of subsection (1) thereof the words "Provincial Commissioner" and substituting therefor the word "Minister"

9. Section 10 of the Ordinance is hereby amended in subsection (1) thereof-

Section 10
of Cap 413
amended

(a) by deleting from the first line the word "Authority" and substituting therefor the word "Conservator";

(b) by deleting from the sixth line the word "it" and substituting therefor the word "he"; and

(c) by deleting from the sixth and seventh lines the words "Provincial Commissioner" and substituting therefor the word "Minister"

10. Section 11 of the Ordinance is hereby amended by deleting the word "Authority" wherever it appears therein and substituting therefor in each case the word "Conservator"

Section 11
of Cap. 413
amended

11. Section 12 of the Ordinance is hereby amended in subsection (1) thereof by deleting from the second line the word "Authority" and substituting therefor the word "Conservator"

Section 12
of Cap 413
amended

12. Section 13 of the Ordinance is hereby repealed and replaced by the following new sections 13 and 13A: -

Section 13
of Cap 413
repealed
and
replaced

"Procedure
for making
of rules
and orders

13.-(1) Before making any rules under section 6 or section 7 of this Ordinance, the Minister shall cause a draft of the proposed rules to be served on the local authority.

(2) The local authority may, within one month of the date of service upon it of a draft under subsection (1), make and serve upon the Minister objections to or recommendations in respect of the proposed rules.

(3) Upon receipt by him of any objections or recommendations made by the local authority under subsection (2), the Minister shall consider the same and may, after such consideration, either-

(a) make and publish the rules with or without amendment as he may think fit; or

(b) direct the holding of a local enquiry under section 13A.

(4) Where the approval of the Minister is under this Ordinance required as a condition of the making of any general or special order the Minister shall before giving his approval to such order consult with the local authority unless in any case he is satisfied that prior to the submission of the order to him adequate consultation has taken place as to the contents thereof between the Conservator and the local authority.

(5) General orders made under this Ordinance shall be in writing signed by the Conservator and shall be made known in such manner as is customary within the African communities which may be affected thereby. A copy of every such order, in English and Swahili, shall be posted at the office of the Conservator and at the headquarters of the Masai District.

(6) Special orders made under this Ordinance shall be in writing signed by the Conservator (or, where the order is made by an Assistant Conservator under section 22, signed by such Assistant Conservator) and may be communicated to the person to whom they are addressed either by delivering to such person, or by leaving at his last known address, a copy of the order, or by a person authorized in that behalf by the Conservator or an Assistant Conservator to whom the power to make special orders has been delegated under section 22 informing the person to whom the orders are addressed of their contents verbally; and when such orders are so made and communicated they shall be deemed to have been properly made and published to the person to whom they are addressed:

Provided that a person to whom such an order is communicated verbally shall be entitled, on demand and upon signing a receipt therefor, to a written copy of such order.

Cap.1 (7) Notwithstanding the provisions of section 7 of the interpretation and General Clauses Ordinance, no order made under this Ordinance shall be impeached by reason only of its not being published in the *Gazette*.

(8) In this section "local authority" means the district council having jurisdiction over the Conservation Area.

Local enquiry

13A.-(1) Where under subsection (3) of section 13 the Minister directs the holding of a local enquiry he shall appoint a person to conduct such enquiry and to report his findings to the Minister.

(2) A local enquiry shall be held at such place or places within the Masai District as the person conducting the enquiry shall appoint.

(3) Upon receipt of the report of the person conducting the enquiry, the Minister shall, after considering the same, decide whether to make the rules which were the subject of the enquiry and, if he so decides, whether modifications shall be made as a result of the enquiry and shall communicate his decision to the local authority."

13. Section 14 of the Ordinance is hereby amended-

Sections 14
of Cap. 413
amended

(a) by deleting the words "Provincial Commissioner" wherever they appear therein and substituting therefor in each case the word "Minister"; and

(b) by deleting the word "Authority" wherever it appears therein and substituting therefor in each case the word "Conservator"

14. Section 15 of the Ordinance is hereby amended by deleting the word "Authority" wherever it appears therein and substituting therefor in each case the word "Conservator"

Section
of Cap. 413
amended

15. Section 16 of the Ordinance is hereby amended by deleting from the first, second and third lines thereof the comma and words "police officer or member of the Authority authorized in writing in that behalf by the Authority" and substituting therefor the words and comma "or police officer, or the Conservator or any person authorized in writing in that behalf by the Conservator"

16. Section 17 of the Ordinance is hereby amended—

Section 16
of Cap. 413
amended

(a) by deleting from the first and second lines thereof the commas and words ", police officer, or member of the Authority authorized in writing in that behalf by the Authority" and substituting therefor the words and comma "or police officer, or the Conservator or any person authorized in writing in that behalf by the Conservator", and

(b) by deleting from the first and second lines of the proviso thereto the words "every officer or member of the Authority making an arrest under this section shall ensure" and substituting therefor the words "where the Conservator or any person authorized by him makes an arrest under this section he shall ensure"

17. Section 18 of the Ordinance is hereby amended in subsection (2) thereof by deleting the word "Authority" wherever it appears therein and substituting therefor in each case the word "Conservator"

Section 18
of Cap. 413
amended

18. Section 19 of the Ordinance is hereby amended by deleting the word "Crown" at the end thereof and substituting therefor the word "Republic"

Section 18
of Cap 413
amended

19. The Ordinance is hereby amended by inserting immediately after section 20 thereof the following new section to be numbered 20A:-

"Power to
compound
offences

20A.-(1) The Conservator and any person authorized in writing in that behalf by the Conservator may, if he is satisfied that any person has committed an offence against

New
section
inserted
in Cap 413

this Ordinance or any rules made under this Ordinance, compound such offence by accepting from such person a sum of money:

Provided that-

- (i) such sum of money shall not exceed two hundred shillings;
- (ii) the power conferred by this section shall only be exercised where the person admits that he has committed the offence and agrees in writing to the offence being dealt with under this section;
- (iii) the person exercising the power conferred by this section shall give to the person from whom he receives such sum of money a receipt therefor and shall as soon as practicable report the exercise of such power to the Conservator (unless the person exercising the Power is the Conservator) and to the Regional Commissioner;
- (iv) subject to subsection (2), if any proceedings are brought against any person for an offence against this Ordinance or any rules made under this Ordinance it shall be a good defence if such person proves that the offence with which he is charged has been compounded under this section-
- (v) any sum of money received under this section shall be dealt with as if the sum of money were a fine imposed by a court.

(2) Where an offence under subsection (1) of section 18 is compounded under the provisions of this section, a court may make an order under section 19 as if the person concerned had been convicted by that court of that offence:

Provided that no such order shall be made unless the person concerned has first had an opportunity of being heard."

Section 22
of Cap. 413
repealed
and
replaced

20. Section 22 of the Ordinance is hereby repealed and replaced by the following new section:-

"Delegation of power to make special orders
22. The Conservator may delegate to any Assistant Conservator all or any of his powers to make special orders under this Ordinance."

Section 23
of Cap. 413
amended

21. Section 23 of the Ordinance is hereby amended-

- (a) by deleting from the first line thereof the words "No member of the Authority and no" and substituting therefor the words "Neither the Conservator nor any"; and
- (b) by deleting from the third and sixth lines thereof the word "Authority" and substituting therefor in each case the word "Conservator"

22. Section 24 of the Ordinance is hereby amended-

Section 24
of Cap. 413
amended

- (a) by deleting from the last line of paragraph (a) of subsection (1) thereof the word "Authority" and substituting therefor the word "Conservator"; and
- (b) by deleting paragraph (b) of subsection (1) and subsection (2) thereof.

23. The Ordinance is hereby amended by deleting the Second Schedule thereto.

Second
Schedule
to Cap. 413
deleted

24. The Third Schedule to the Ordinance is hereby amended-

Third
Schedule
to Cap. 413
amended

- (a) in item I thereof-
 - (i) by deleting from the second column the reference to section 14 (3) of the Mining Ordinance and substituting therefor a reference to section 15 (3) of that Ordinance-,
 - (ii) by deleting the word "proviso" from the second line of the third column and substituting therefor the word "paragraph"; and
 - (iii) by deleting from the paragraph (d) contained in the third column the references to the Ngorongoro Conservation Area Authority and to the Authority and substituting therefor references to the Conservator of the Ngorongoro, Conservation Area and to the Conservator respectively;
- (b) in item 2 thereof, by deleting from the subsection (3) contained in the third column the reference to the Ngorongoro Conservation Area Authority and substituting therefor a reference to the Conservator of the Ngorongoro Conservation Area;
- (c) in item 3 thereof-
 - (i) by deleting the proviso to section 5 (1) of the Forests Ordinance contained in the third column; and
 - (ii) by deleting from the subsection (4) of section 19 of that Ordinance contained in the third column the reference to the Ngorongoro Conservation Area Authority and substituting therefor a reference to the Conservator of the Ngorongoro Conservation Area;
- (d) in item 4 thereof, by deleting from the paragraph (xvii) contained in the third column the references to the Ngorongoro, Conservation Area Authority and to the Authority and substituting therefor references to the Conservator of the Ngorongoro Conservation Area and to the Conservator respectively; and
- (e) by adding immediately after item 4 thereof the following new item:-

"Local
Govern-
ment
(Cap. 333)

Section
64(1)

Delete the full stop at the end thereof, substitute therefor a colon and add the following new proviso: -

"Provided that before approving any by-law or any amendment to any by-law which affects the natural resources of the Ngorongoro Conservation Area, the Minister shall consult the Minister for the time being responsible for the conservation of

Cap. 413 natural resources, and in the event of any conflict between any such by-law and any rule made under the Ngorongoro Conservation Area Ordinance the provisions of such rule shall prevail."

—————
Passed in the National Assembly on, the twelfth day of September, 1963.

Pius Msekwa
Clerk of the National Assembly