

THE UNITED REPUBLIC OF TANZANIA



No. 48 OF 1965

I ASSENT,

Julius K. Nyerere
.....
President

8TH JULY, 1965

An Act to amend the Land Acquisition Ordinance

[9TH JULY, 1965]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Land Acquisition Ordinance (Amendment) (No. 2) Act, 1965 and shall be read as one with the Land Acquisition Ordinance.

Short title
and
construction
Cap. 118

2. Section 12 of the Land Acquisition Ordinance is hereby amended—
(a) by deleting sub-paragraph (iii) of paragraph (a) of subsection (4) and by substituting therefor the following new sub-paragraph:—

Section 12
of Cap. 118
amended

“(iii) the approval of the Minister for the time being responsible for lands of, or the consent of the Commissioner for Lands to, a disposition of the land;” and

(b) by inserting, immediately before the word “redevelopment” in the third line of sub-paragraph (iv) of paragraph (a) of subsection (4) the words “development or”.

3. Sections 23 and 24 of the Land Acquisition Ordinance are hereby repealed and replaced by the following new sections:—

Sections 23
and 24 of
Cap. 118
repealed
and
replaced

“Certificate
of title
where no
conveyance
or deed
available

23.—(1) Where six weeks have elapsed since the service and publication, in accordance with sections 5 and 8, of a notice of an intention to acquire land under this Ordinance and no conveyance or deed of disposition has been executed for the transfer of the title thereto to the President in accordance with the terms of such notice or such other terms as may have been agreed between the Minister for the time being responsible for lands and the person entitled to transfer such title, the Minister may apply, *ex parte*, to the Registrar for the grant and registration of a certificate of title to the land in accordance with such terms; and

Cap. 334 notwithstanding anything to the contrary contained in the Land Registration Ordinance, the Registrar shall, if satisfied by affidavit or otherwise that—

- (a) the application is made in such circumstances aforesaid; and
- (b) no proceedings in respect of the acquisition of the land, other than proceedings for or relating to compensation, are pending in the High Court or the Court of Appeal for Eastern Africa,

grant to the President a certificate of title to the land in accordance with such terms and record and register the same in the appropriate register.

(2) A certificate of title granted under this section shall be in the Form D in the Schedule hereto.

(3) In this section, "Registrar" means—

- (a) where the land is registered land, the Registrar of Titles appointed under the Land Registration Ordinance, and
 - (b) where the land is unregistered land the Registrar appointed under the Registration of Documents Ordinance.
- Cap. 117

Effect of conveyance, deed or certificate of title under section 23

24. Where—

- (a) a deed of disposition or conveyance is granted in accordance with this Ordinance in respect of any land and such disposition or conveyance is registered in the appropriate registry in accordance with the provisions of the Land Registration Ordinance or the Registration of Documents Ordinance as the case may be; or

(b) a certificate of title is registered under section 23,

such disposition, conveyance or certificate of title shall, subject to the provisions of the Land Registration Ordinance (where applicable), confer upon the President the estate or interest comprised or referred to in such disposition, conveyance or certificate of title free from all adverse or competing rights, titles, interests, trusts, claims and demands whatsoever, but subject, however, to the terms and conditions, if any, therein mentioned."

Section 36 of Cap. 118 amended

4. Section 36 of the Land Acquisition Ordinance is hereby amended by deleting the words "clearance date" in the third line of subsection (3) and by substituting therefor the words "appointed day".

Schedule to Cap. 118 amended

5. The Schedule to the Land Acquisition Ordinance is hereby amended—

- (a) by deleting Form D thereof and substituting therefor the following new Form: —

FORM D
The Land Acquisition Ordinance
 (Cap. 118)
 CERTIFICATE OF TITLE
 (Section 23)

It is hereby certified that pursuant to the Land Acquisition Ordinance, ALL (describe the premises to be acquired and refer to plan to be endorsed or annexed to deed and where the land is registered land cite the title number) together with all ways rights and appurtenances thereto belonging are vested in the President of the United Republic of Tanzania upon the following terms and conditions (set forth the terms and conditions, if any, upon which the land is acquired).

Dated the day of, 19.....

.....
 Registrar

”;
 and

(b) by deleting all reference to certificate of title given by way of an example in Form G thereof.

Passed in the National Assembly on the fifth day of July, 1965.

.....
[Signature]
 Clerk of the National Assembly