

THE UNITED REPUBLIC OF TANZANIA



No. 4 OF 1970

I ASSENT,

Julius K. Nyerere
President

30TH MARCH, 1970

An Act to empower the Commissioner for Lands to charge and levy Road Frontage Premia on lands held otherwise than under rights of occupancy or Government Leases

[30TH MARCH, 1970]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Road Frontage Premia Act, 1970. Short title

2. In this Act, unless the context otherwise requires— Interpretation

“Commissioner” means the Commissioner for Lands;

“government lease” shall have the meaning assigned to that term in the Freehold Titles (Conversion) and Government Leases Act, 1963; Cap. 523

“Minister” means the Minister for the time being responsible for lands;

“occupier” means any person who is in occupation of any parcel of land in an urban area otherwise than under a right of occupancy or a government lease and includes his personal representatives and other statutory assignees;

“right of occupancy” has the meaning assigned to that term in the Land Ordinance; Cap. 113

“road” means any road or street, square, court, alley or passage, bridge, lane, footpath, bridle path or driftway, and includes land reserved therefor, but does not include a highway as defined in the Highways Ordinance, or a sanitary lane or any land reserved for a highway or a sanitary lane; Cap. 167

“road frontage premium” means the sum of money payable by an occupier under section 4 in respect of the construction of a road or execution of any road work;

“road work” means any work for the purpose of sewerage, levelling, paving, metalling, flagging, channelling or making good any road or part of a road;

“urban area” has the meaning assigned to that term by section 35 of the Freehold Titles (Conversion) and Government Leases Act, 1963.

Apportionment of road frontage premia

3.—(1) Where—

- (a) the Government or a local authority has constructed a road in any urban area, or has caused to be executed in such area any road work; or
- (b) the Government or a local authority has prepared or approved a scheme for the construction of a road or execution of any road work in any urban area.

the Commissioner may, after ascertaining the cost or the estimated cost, as the case may be, of construction of such road or road work, from the Government department or the local authority concerned, apportion such cost or estimated cost on the lands, whether leased lands, lands held under rights of occupancy or lands held by occupiers, which front, adjoin or abut on such road or part thereof, or which, although they do not front, adjoin or abut on such road or part thereof, in the opinion of the Commissioner, are or will be benefited by the road or the road work, as the case may be.

(2) In settling apportionment of the cost of construction of a road or execution of a road work in respect of any land held by an occupier, the Commissioner shall have regard to the following factors: —

- (a) the frontage of the land;
- (b) the greater or lesser degree of benefit to be derived by such land from the road or road work; and
- (c) any other factor which the Commissioner may consider relevant.

Occupier required to pay road frontage premium

4.—(1) The sum of money apportioned in respect of land held by an occupier shall be the road frontage premium in respect of that land and shall be payable by such occupier.

(2) The Commissioner shall, by notice in writing, require the occupier to make payment of the road frontage premium within such period and in such manner as may be specified in the notice:

Provided that no occupier shall be required to pay any road frontage premium until after the expiration of six weeks from the date on which the notice is served upon him.

(3) The road frontage premium required to be paid by an occupier under this section shall be a debt due to the United Republic and may be recovered by a civil suit instituted by the Commissioner on behalf of the United Republic.

Appeal

5. Any occupier who is aggrieved by any decision of the Commissioner under this Act may appeal thereagainst to the Minister in writing within four weeks of the receipt by him of a notice under section 4.

6. The Minister may make regulations for the better carrying out Regulations of the objects and purposes of this Act, and without prejudice to the generality of the foregoing may make regulations prescribing the manner in which an appeal under section 5 may be made.

7. The Freehold Titles (Conversion) and Government Leases Act, Amendment 1963 is amended in paragraph 6 of Part II of the First Schedule by ^{of} ^{Cap. 523} deleting the words "whether leased lands, or lands comprised in rights of occupancy granted under the Land Ordinance" and substituting therefor the words "whether such lands are leased lands or lands held under rights of occupancy granted under the Land Ordinance or lands held under any arrangement whatsoever entered into between the occupier and the Government,".

8.—(1) Notwithstanding the provisions of this Act, no occupier shall ^{Transitional provisions} be required to pay any road frontage premium in respect of the construction of any road or execution of any road work where the occupier or any previous occupier, whether such previous occupier held the land under a right of occupancy or a government lease or otherwise, has paid or is liable in law to pay any portion of the expenses of the construction of the same road or the execution of the same road work assessed under the provisions of the Upanga Area (Planning and Development) Ordinance or the Private Street Works Ordinance prior to the repeal of those Ordinances.

(2) Where any road has been constructed or road work has been executed prior to the commencement of this Act but after the coming into operation of the Private Street Works Ordinance (Repeal) and Government Leases (Road Frontage Premia) Act, 1966, ^{Acts 1966 No. 39} an occupier who would have been liable to make a contribution in respect of the construction of the road or the execution of the road work had that Act not been enacted, may be required to pay road frontage premium in respect of such road or road work, and the provisions of this Act shall apply in every such case as if this Act had come into operation on the date upon which the Private Street Works Ordinance (Repeal) and Government Leases (Road Frontage Premia) Act, 1966 came into operation.

Passed in the National Assembly on the nineteenth day of March, 1970.


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Clerk of the National Assembly