

CHAPTER 284

THE NGORONGORO CONSERVATION AREA ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.
3. Application.

PART II

NGORONGORO CONSERVATION AREA AUTHORITY

4. Establishment of Authority.
5. Board of Directors.
6. Functions of Authority.
7. Appointment of Conservator and Assistant Conservators.
8. Appointment of other officers and employees.
9. Superannuation benefits.
10. Agents and contractors.
11. Power of Board to delegate.
12. Funds and resources of Authority.
13. Management of funds and resources.
14. Annual estimates.
15. Repealed.
16. Investment.
17. Power to borrow.
18. Accounts and audit.
19. Report by Board.
20. President may give direction.
21. Liability of members, etc.

PART III

CONTROL OF ENTRY INTO AND RESIDENCE AND SETTLEMENT WITHIN THE CONSERVATION AREA

22. Restriction of entry and residence in conservation Area.
23. Certificates of residence.
24. Control of residence and settlement.

PART IV
CONTROL OF CULTIVATION AND GRAZING AND
PROTECTION OF NATURAL RESOURCES

- 25. Conservation of soil and protection of natural resources.
- 26. Prohibition of cultivation.
- 27. Closing orders.
- 28. Executive powers of Authority.
- 29. Rights of entry.

PART V
ORDERS AND APPEALS

- 30. Subsidiary legislation.
- 31. Appeals against refusal to grant permit, certificate or other authority.
- 32. Appeal against orders.
- 33. Powers on appeal.
- 34. Special provisions relating to appeals to Authority.
- 35. Minister may make rules relating to appeals.

PART VI
ENFORCEMENT AND PENALTIES

- 36. Power to demolish works.
- 37. Power to seize stock and weapons.
- 38. Powers of arrest.
- 39. Offences.
- 40. Forfeiture of stock and weapons, etc.

PART VII
MISCELLANEOUS PROVISIONS

- 41. Repealed.
- 42. Power to compound offences.
- 43. Operation of other laws.
- 44. Application of certain provisions of Wildlife Conservation Act.
- 45-46. Repealed.
- 47. Rules.

SCHEDULES

CHAPTER 284

THE NGORONGORO CONSERVATION AREA ACT

An Act to control entry into and residence within the Ngorongoro Crater Highlands Area, to make provision for conservation and development of natural resources therein and for related matters.

[1st July, 1959]

[s. 1]

Ord. No.

14 of 1959

[R.L. Cap. 413]

Acts Nos.

43 of 1963

5 of 1968

14 of 1975

1 of 2008

13 of 2008

4 of 2013

3 of 2020

8 of 2020

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Ngorongoro Conservation Area Act.

Interpretation

Acts Nos.

43 of 1963 s. 2

14 of 1975 s. 7

3 of 2020 s. 77

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

“Authority” means the Ngorongoro Conservation Area Authority established by section 4;

“Board” means the Board of Directors of the Authority;

“closed area” means an area with respect to which a closing order has been made under section 27;

“Conservation Area” means the area to which this Act applies;

“Conservation Commissioner” means the Conservator of the conservation area appointed under section 7;

Cap. 323 “Conservator” means the Conservator of the Conservation Area appointed in accordance with the provisions of section 7;
 “forest produce” has the meaning ascribed to it in the Forests Act;

Cap. 123 “mining laws” means the Mining Act and the Petroleum Act;

Cap. 392 “Minister” means the Minister responsible for the conservation of natural resources;

“Regional Commissioner” means the Regional Commissioner for the Arusha Region;

Cap. 283 “Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;

“stock” means cattle, donkeys, sheep and goats.

(2) General orders made under this Act shall apply to persons generally or to any classes of persons who may be specified therein.

(3) Special orders made under this Act shall apply to the persons to whom they are addressed.

Application
 Act No.
 14 of 1975 s. 9

3.-(1) This Act shall apply to the area described in the First Schedule to this Act.

(2) The President may, with the consent of the National Assembly, by proclamation published in the *Gazette*, alter the boundaries of the area to which this Act applies.

PART II

NGORONGORO CONSERVATION AREA AUTHORITY

Establishment of
 Authority

4.-(1) There is hereby established an Authority which shall be known as the Ngorongoro Conservation Area Authority.

(2) The Authority shall be a body corporate and shall-

(a) have perpetual succession and common seal;

(b) in its corporate name, be capable of suing and being sued; and

(c) subject to the provision of this Act, be capable of purchasing, holding, alienating, managing and

disposing of any property, whether movable or immovable, and whether by way of investment or otherwise, and of entering into any contract and other transitions which may be necessary or expedient for the performance of its functions under this Act or any other written law.

Board of
Directors

5.-(1) The management and functions of the Authority shall vest in a Board of Directors.

(2) The provisions of the Second Schedule to this Act shall have effect as to the composition of the Board, the appointment and termination of the appointment of its members, the proceedings of the Board and any other matters in relation to the Board and its members as are provided for in it.

(3) The President may, by order published in the *Gazette*, amend, vary or replace all or any of the provisions of the Second Schedule to this Act.

Functions of
Authority

6. The functions of the Authority shall be to-

- (a) conserve and develop the natural resources of the Conservation Area;
- (b) promote tourism within the Conservation Area and to provide and encourage the provision of facilities necessary or expedient for the promotion of tourism;
- (c) safeguard and promote the interests of Masai citizens of the United Republic engaged in cattle ranching and dairy industry within the Conservation Area;
- (d) promote and regulate the development of forestry within the Conservation Area;
- (e) promote, regulate and facilitate transport to, from and within the Conservation Area;
- (f) construct roads, bridges, aerodromes, buildings and fences to provide water supplies and to carry out any other works and activities which the Board may consider necessary for the purposes of the development or protection of the Conservation Area;

- (g) do all acts and things, which in the opinion of the Board, may be necessary to uphold and support the credit of the Authority and to obtain and justify public confidence, and to avert and minimise loss to the Authority;
- (h) do anything and enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper and efficient exercise by the Authority of its functions under this Act, including-
- (i) the carrying on of any of the activities of the Authority in participation with any other person;
- (ii) the acquisition, by agreement, of interests in companies and firms engaged in activities in which the Authority may lawfully be engaged under this Act, and the management of the affairs or the continuance of the business of those companies and firms;
- (iii) the establishment of branches within the United Republic or elsewhere.

Appointment
of Conservator
and Assistant
Conservators

7.-(1) The President shall appoint a Conservator of the Conservation Area.

(2) The Conservator shall be the principal executive officer of the Authority and shall be responsible to the Board.

(3) The Minister may appoint as many Assistant Conservators of the Conservation Area as he may consider necessary.

(4) The Assistant Conservators, if any, shall be subject to the directions of the Conservator.

Appointment of
other officers and
employees

8. The Board may appoint at salaries and upon terms and conditions which it may think fit, other officers and employees of the Authority whom it may deem necessary for the proper and efficient conduct of the business and activities of the Authority.

Superannuation
benefits

9. The Board may-

- (a) grant gratuities or other retirement allowances or benefits to the officers and employees of the Authority;

- (b) establish and contribute to a superannuation fund and a medical benefits fund for the officers and employees of the Authority;
- (c) require an officer or employee of the Authority to contribute to superannuation fund or medical benefits fund and fix the amounts and method of payment of such contribution.

Agents and
contractors

10. The Board may appoint and employ, upon terms and conditions which it thinks fit, agents and contractors of the Authority as the Board may deem necessary.

Power of Board to
delegate

11.-(1) Subject to subsection (6), the Board may, by writing under the seal of the Authority delegate, subject to any terms, conditions and restrictions which it may specify, to any committee of the Board or to any officer or servant of the Authority, all or any of the functions, powers, authorities or duties conferred by or under this Act upon the Authority or the Board, and where a delegation is so made, the delegated function, power, authority or duty may be performed or exercised by the delegate subject to the terms, conditions and restrictions specified in the writing.

(2) A delegation under subsection (1) may be made to the holder of an office under the Authority specifying the office but without naming the holder, and in every such case each successive holder of the office in question and each person who occupies or performs the duties of that office may, without any further authority, perform or exercise the delegated function, power, authority or duty in accordance with the delegation made.

(3) The Board may revoke a delegation made by it under this section.

(4) A delegation made under this section shall not prevent the Authority or the Board from itself performing or exercising the function, power, authority or duty delegated.

(5) A delegation made under this section may be published in the *Gazette*, and upon the publication shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Board shall not have power under this section to delegate-

- (a) its power of delegation; or
- (b) the power to approve the annual budget or supplementary budget of receipts and expenditure, the annual balance sheet or a statement of account.

Funds and
resources of
Authority
Act No.
8 of 2020 s. 62

12.-(1) The funds and resources of the Authority shall consist of-

- (a) sums which may be provided for the purposes of the Authority by Parliament, either by way of grant or loan;
- (b) loan or subsidy granted to the Authority by the Government or any other person;
- (c) sum or property which may in any manner become vested in the Authority as a result of the performance by the Authority of any of its functions;
- (d) voluntary subscription, donation or bequest received by the Board from a member of the public for the purposes of the Conservation Area;
- (e) fee or other monies received or raised by the Board pursuant to the provision of this Act or any subsidiary legislation made under it.

(2) Any sum, fees, monies, charges payable to the Authority under this Act or any subsidiary legislation made thereunder shall be collected by the Tanzania Revenue Authority and remitted to the Consolidated Fund.

Management
of funds and
resources
Acts Nos.
13 of 2008 s. 25
4 of 2013 s. 33
8 of 2020 s. 63

13. The funds and resources of the Authority shall be managed and administered by the Board in accordance with the financial laws and other relevant laws and shall be utilised to defray expenses in connection with performance of functions of the Authority under this Act.

Annual estimates
Acts Nos.
13 of 2008 s. 26
4 of 2013 s. 33
8 of 2020 s. 63

14.-(1) The Board shall, before the commencement of each financial year, cause to be prepared estimates of the revenue and expenditure for that year.

(2) The annual estimates shall contain all estimated expenditure of the funds of the Authority for the financial

year concerned and the Board shall approve recurrent and development expenditure.

Cap. 439 (3) The annual estimates shall be submitted to the Minister for approval and laying before the National Assembly in accordance with the provisions of the Budget Act.

[s. 13A]

Repealed **15.** [Repealed by Act No. 8 of 2020, s. 64].

[s. 14]

Investment **16.** With the prior approval of the Minister, the Board may invest part of the moneys available in any fund of the Authority maintained by it in such manner as the Board may deem fit.

[s. 15]

Power to borrow **17.**—(1) With the prior approval of the Minister, the Board may borrow monies for the purposes of the Authority by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any direction by the Minister, the Board may deem fit.

(2) A person lending money to the Authority shall not be bound to enquire whether the borrowing of that money by the Authority has been approved by the Minister.

[s. 16]

Accounts and audit **18.**—(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to-

(a) the receipt and expenditure of monies by, and other financial transactions of, the Authority;

(b) the assets and liabilities of the Authority,

and shall cause to be made out for every financial year a balance sheet and a statement showing details of the income and expenditure of the Authority and all its assets and liabilities.

(2) Not later than six months after the close of a financial year, the accounts including the balance sheet of the Authority

relating to that financial year shall be audited by the Controller and Auditor-General.

(3) As soon as the accounts of the Authority have been audited, and in any case not later than six months after such audit, the Board shall submit to the Minister a copy of the report on it made by the Controller and Auditor-General.

(4) As soon as practicable after the receipt by him of the copy of the statement together with the copy of the report submitted pursuant to subsection (3), the Minister shall lay a copy of the statement together with a copy of the report before the National Assembly.

[s. 17]

Report by Board **19.** The Board shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Authority's business during that financial year, and the Minister shall lay a copy of the report before the National Assembly together with a copy of the statement of accounts required to be laid before the National Assembly by section 18.

[s. 18]

President may give direction **20.** The President may give to the Authority directions of a general or specific character as to the exercise by the Authority of any of its functions under this Act, and the Authority shall give effect to that direction.

[s. 19]

Liability of members, etc.
Caps 16
and 76 **21.** Without prejudice to the provisions of section 284A of the Penal Code or of the Public Officers (Recovery of Debts) Act, no action or thing done, or omitted to be done, by a member of the Board of Directors or by an officer, servant or agent of the Authority shall, if done or omitted *bona fide* in the execution or purported execution of his duties as a member, officer, servant or agent, subject that person to any action, liability or demand.

[s. 20]

PART III
CONTROL OF ENTRY INTO AND
RESIDENCE AND SETTLEMENT WITHIN
THE CONSERVATION AREA

Restriction
of entry and
residence in
conservation
Area
Acts Nos.
14 of 1975 s. 10
43 of 1963 s. 5

Cap. 113

22.—(1) The Authority may, with consent of the Minister, make rules prohibiting, restricting and controlling entry into and residence within the Conservation Area.

(2) Rules made under this section shall not operate so as to prohibit, restrict or control—

- (a) the entry into or residence within the Conservation Area or any part of it, of public officers on duty or the Conservator or a person authorised by him;
- (b) the entry into the Conservation Area of persons holding in it any estate or interest in any land under a right of occupancy granted under the Land Act, all reasonable access by those persons to the land or the residence of those persons on those land;
- (c) the entry into the Conservation Area of persons holding, over lands in it, a prospecting right or licence or exploration licence, or a mining lease granted or claim made under the mining laws, all reasonable access by those persons for the purposes of the right, licence, claim or lease, or the residence of those persons in accordance with the rights thereby conferred;
- (d) the entry into or residence within the Conservation Area of the wives, children, dependants and servants of a person specified in paragraphs (a), (b) or (c), to the same extent which that person is not subject to the operation of those rules;
- (e) the entry into the Conservation Area upon any public highway of persons travelling through the Conservation Area along the highway; or
- (f) the entry into or residence within the Conservation Area of a person or category of persons specified by the Minister by an order published in the *Gazette*:

Provided that, nothing contained in this subsection shall be construed as granting or recognising any right or title to land or any interest in, over or under land within the Conservation Area or as exempting any of the persons specified in this subsection from complying with any other provision of, or restriction imposed under this Act, or with any rules or orders made under it, notwithstanding that those provisions, restrictions, rules or orders may restrict, control or prevent the exercise of any right to which this subsection refers.

(3) Without prejudice to the generality of the power to make rules under this section, rules made under this section may-

- (a) be made in respect of the whole Conservation Area or any part or parts of it;
- (b) empower the Conservator to issue permits permitting persons to enter, or to enter and reside within, the area to which those rules apply, subject to terms and conditions which the Authority may think fit;
- (c) empower the Conservator or a person authorised by him and such other persons who may be specified in it to require any person within the area to which those rules apply to produce a permit issued to him or to satisfy the member or other person as aforesaid that he is a person to whom those rules do not apply;
- (d) 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 those rules apply, to close the 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;
- (e) require the payment of, and prescribe fees to be paid on the issue of a permit to enter or to enter and reside in the area to which those rules apply, and prescribe different fees for different classes of persons or in respect of the different purposes for which persons seek to enter or reside in it;
- (f) attach to the breach of any rule or of any term or condition inserted in a permit issued by the

Conservator, penalties not exceeding the penalties prescribed in subsection (1) of section 39;

- (g) authorise the removal by the Conservator or a person authorised by him and such other persons who may be specified in it of any person found within the area to which the rules apply in contravention of those rules;
- (h) provide generally for all matters or things necessary or incidental to the preceding provisions.

[s. 21]

Certificates of
residence
Act No.
14 of 1975 s. 11

23.—(1) The Authority may, with the consent of the Minister, make rules requiring the persons who are described in paragraphs (b), (c), (d) and (f) of subsection (2) of section 22 or any of them or any class of them, who reside in, or seek to enter the Conservation Area, to apply for a certificate of residence.

(2) Without prejudice to the generality of the power to make rules under this section, rules made under this section may—

- (a) be made in respect of the whole Conservation Area or any part or parts of it;
- (b) authorise or require the Conservator or any other persons as may be specified in it to issue certificates to a persons who applies for them and who satisfies the Conservator or the other persons that they are persons to whom the rules apply;
- (c) require all persons to whom a certificate is issued to produce the same to any person specified in the rules;
- (d) authorise the Conservator to impose conditions in the certificate requiring the holder to enter or leave the area to which the rules apply at any particular place or places;
- (e) prohibit, regulate or control the entry into or residence within the area to which the rules apply of any person who is required to apply for a certificate of residence who is not in possession of that certificate;
- (f) attach to the breach of any condition contained in the certificate or to the breach of any rule made under paragraph (e), penalties not exceeding the penalties prescribed in subsection (1) of section 39;

- (g) authorise the removal by the Conservator or a person authorised by him or any other persons who may be specified in it of any person required to apply for a certificate of residence who is not in possession of it when found in the area to which the rules apply;
- (h) provide generally for all matters or things necessary or incidental to the preceding matters.

[s. 22]

Control of
residence and
settlement
Act No.
14 of 1975 s. 12
Cap. 113

24.—(1) The Authority may, by order published in the *Gazette*, prohibit, restrict or control residence or settlement in any part of the Conservation Area other than land held under a right of occupancy granted under the Land Act or land which is the subject of a claim made or, a mining lease granted, under the mining laws, for the time and in the manner which it thinks fit.

(2) Without prejudice to the generality of the power to make orders under this section, orders made under this section may—

- (a) be made in respect of any category of residents or settlements;
- (b) provide for exemption therefrom and for the issue of permits of exemption subject to any conditions as the Conservator may think fit;
- (c) authorise the removal from any area to which the order applies of a person who takes up or continues residence or makes or continues a settlement in contravention of that order or of a condition contained in a permit.

[s. 23]

PART IV

CONTROL OF CULTIVATION AND GRAZING AND PROTECTION OF NATURAL RESOURCES

Conservation
of soil and
protection of
natural resources
Act No.
14 of 1975 s. 13

25.—(1) The Authority may, if in its opinion it is necessary or expedient so to do for the purpose of the conservation of the soil of, or the prevention of soil erosion on, the Conservation Area or any part of it or otherwise for the protection and

preservation of the natural resources of the Conservation Area, make order, either in relation to a particular parcel of land or generally in relation to the Conservation Area-

- (a) prohibiting, restricting or controlling the use of land for any purpose;
- (b) prohibiting, restricting, limiting or controlling-
 - (i) the introduction, grazing, watering or movement of stock;
 - (ii) the firing, clearing or destruction of vegetation including stubble;
 - (iii) the use of wells, boreholes, waterholes, water-courses, streams, rivers or lakes;
 - (iv) the gathering of honey or forest produce;
 - (v) the exercise of any rights in relation to forest produce determined under the provisions of the Forests Act;
 - (vi) the introduction or removal of *flora* or *fauna*;
 - (vii) the use of agricultural implements or machinery;
 - (viii) the carrying or use of weapons, snares, traps, nets or poison;
- (c) requiring, regulating or controlling-
 - (i) the afforestation or reforestation of land;
 - (ii) the protection of slopes and closed areas;
 - (iii) the drainage of land, including the construction, maintenance or repair of artificial or natural drains, gullies, contour banks, terraces and diversion ditches;
 - (iv) the uprooting or destruction of any vegetation;
 - (v) the removal of stock;
- (d) prohibiting, restricting or controlling-
 - (i) the construction or extension of buildings or works, or restricting or controlling its siting;
 - (ii) the construction or extension of any roads or tracks or restricting or controlling its siting or alignment:

Provided that, no order made under paragraph (d)-

Cap. 113

- (a) shall operate so as to require a person to demolish, destroy, alter or remove buildings, works, roads or tracks of a permanent nature or any part of them which were constructed prior to the coming into operation of this Act;
 - (b) shall operate so as to prevent the construction or extension of buildings, works, roads or tracks by the holder of a right of occupancy granted under the Land Act who is required to construct or extend the same by its terms or conditions; or
 - (c) shall operate to prevent the construction or extension of buildings, works, roads or tracks by the holder of a claim made or lease granted under the mining laws, within the limits of the claim or lease, which are necessary for the enjoyment of the right granted under that claim or lease.
- (2) Without prejudice to the generality of the power to make orders under this section, general orders made under this section may provide-
- (a) for exemptions or conditional exemptions from their operation which may be specified;
 - (b) for the grant of permits or conditional permits of exemption from their operation and in particular for the exercise of the rights granted by those permits during any time or at any intervals which may be specified;
 - (c) for their application to certain periods or seasons of the year or to certain times or at certain intervals;
 - (d) that an act or thing be done at or within the time which may be specified and to the satisfaction of the Conservator, or any person specified in them;
 - (e) that the orders, and permits issued under them, shall be subject to special orders made under this section.
- (3) Without prejudice to the generality of the power to make orders under this section, special orders made under this section may-

- (a) provide for any of the matters specified in paragraphs (a), (c) and (d) of subsection (2); and
- (b) require an act or thing to be done and prohibit an act or thing from being done before or after a specified time.

[s. 24]

Prohibition of
cultivation
Act No.
14 of 1975 s. 14

26. A person shall not use any parcel of land in the Conservation Area for cultivation.

[s. 25]

Closing
orders
Act No.
14 of 1975 s. 15

27.—(1) The Authority may, where it is of the opinion that any land within the Conservation Area, other than land occupied by a dwelling house, shop or premises used for the accommodation of travellers and visitors, or under a mining claim made, or a mining lease granted, under the mining laws, is being or may become despoiled, by order, direct that that land be a closed area.

(2) An order made under this section shall specify the area to which it applies and shall state that the occupation and cultivation of land within that area, the depasturing of cattle, the cutting down or destruction of vegetation and the taking of forest produce in that area are prohibited.

[s. 26]

Executive powers
of Authority
Act No.
14 of 1975 s. 16

28. The Authority may take measures within the Conservation Area—

- (a) for the control, conservation and utilisation of water including storm water;
- (b) for the protection of the source, course and banks of streams, rivers, furrows, waterholes, watercourses, wells and lakes;
- (c) for the mitigation and prevention of soil erosion;
- (d) for the protection of *flora* and *fauna*;
- (e) for the control, prevention and extinguishment of grass fires; and
- (f) for the improvement of the soil, vegetation and water resources,

and may construct or execute any works which the Authority thinks necessary or expedient for any of those purposes.

[s. 27]

Rights of entry
Act No.
14 of 1975 s. 17

29.—(1) A person authorised in writing in that behalf by the Authority may at any time, enter upon any land within the Conservation Area, other than land occupied by a dwelling house—

- (a) for the purpose of ascertaining whether any measures are necessary or desirable for its conservation or improvement;
- (b) for the purpose of ascertaining whether the land is being used in accordance with the provisions of any order made under sections 24, 25 or 27, or for the purpose of communicating those orders;
- (c) together with any necessary workmen, agents, contractors, supervisors or organisers, for the purpose of taking any measures or constructing or executing any works authorised under the provisions of section 28, or of inspecting, repairing or maintaining any works so constructed or executed.

(2) Compensation shall not be payable to the owner of any land or of any interest in it upon which works have been constructed without negligence under the provisions of section 25 and of this section.

[s. 28]

PART V ORDERS AND APPEALS

Subsidiary
legislation
Act No.
14 of 1975 s. 18

30. All subsidiary legislation made under this Act shall be published in the *Gazette* and where the subsidiary legislation has been published in English, the Authority shall, as soon as practicable after the publication, cause to be published in the *Gazette* its Kiswahili translation:

Provided that—

- (a) where any order is made under this Act which does not relate to the whole of the Conservation Area but relates to only a portion of it or any parcel of land within the Conservation area, the Authority may, *in lieu* of causing such order to be published in the *Gazette*, cause copies of it to be posted at the office of the Conservator, and at the headquarters of the District within which the land lies;
- (b) where any order is made which affects only one person and his family, including his domestic staff, the order may be served on that person either by delivery to that person or a member of his household of its copy or by affixing its copy on the outer door or some conspicuous part of the premises in which such person resides or carries on business or works for gain where so served the order shall be valid and effective notwithstanding that it has not been otherwise published.

[s. 29]

Appeals against
refusal to grant
permit, certificate
or other authority
Act No.
14 of 1975 s. 20

31.-(1) A person aggrieved by-

- (a) the refusal of the Conservator or a person authorised in that behalf to issue or grant to him a permit, certificate or other authority which may be issued or granted under this Act or any subsidiary legislation made under it;
- (b) any condition or term annexed to that permit, certificate or other authority issued or granted to him,

may appeal to the Authority against the refusal or the imposition of the condition or term.

(2) A person aggrieved by the decision of the Authority on any appeal under subsection (1), may appeal against it to the Minister.

[s. 30]

Appeal against
orders
Act No.
14 of 1975 s. 20

32. A person aggrieved by an order made under this Act which adversely affects him, may appeal against that order to the Minister:

Provided that, no appeal under this section shall lie-

- (a) save where the order, not being a general order, is a special order made in relation to the person aggrieved by it or any member of his household or in relation to any parcel of land in or over which that person has an interest under a right of occupancy, lease, tenancy or mortgage;
- (b) against any order made under section 27.

[s. 31]

Powers on appeal
Act No.
14 of 1975 s. 20

33.—(1) On appeal under section 31 or section 32, the appeals authority may affirm, vary or set aside the decision or order appealed against and where a decision or order is varied, modified or set aside, the appeals authority may give directions in respect of a matter or thing previously done or suffered under the decision or order appealed against.

(2) Subject to any further appeal provided for by this Act, the decision of the appeals authority and any direction given by it shall be final and binding upon all the parties concerned, and shall not be subject to review by any court.

(3) In this section “appeals authority” means—

- (a) on an appeal to the Authority, the Authority;
- (b) on an appeal to the Minister, the Minister.

[s. 32]

Special provisions
relating to appeals
to Authority
Act No.
14 of 1975 s. 20

34.—(1) An appeal to the Authority under this Act shall be heard and determined by the Appellate Committee of the Authority consisting of three members of the Board nominated in that behalf by the Minister:

Provided that, the Conservator shall not be eligible for nomination as a member of the Appellate Committee.

(2) The Minister may nominate one of the members of the Appellate Committee to be the Chairman of the Committee.

(3) The decision of the Appellate Committee shall be deemed to be the decision of the Authority and shall take effect accordingly.

[s. 33]

Minister may
make rules
relating to
appeals
Act No.
14 of 1975 s. 20

- 35.** The Minister may, by rules prescribe-
- (a) the procedure on an appeal under this Part;
 - (b) the fee to be paid on instituting an appeal;
 - (c) the time within which an appeal may be instituted.

[s. 34]

PART VI

ENFORCEMENT AND PENALTIES

Power to
demolish works
Acts Nos.
43 of 1963 s. 14
14 of 1975 s. 21

36.-(1) The Authority may, by special order, require a person who has constructed or extended any buildings, works, roads or tracks in contravention of an order made under this Act to modify, demolish or destroy the same within the period which the Authority may specify.

(2) Where a person fails to comply with the requirement, under subsection (1) it shall be lawful for a person authorised in writing in that behalf by the Authority to enter upon any land together with all necessary workmen, agents, contractors, supervisors and organisers and to cause the building, works, road or track to be modified, demolished or destroyed, and the Authority may recover the cost of the modification, demolition or destruction from the person in default by civil suit.

(3) The Authority may sell any materials recovered from any buildings or works which it has caused to be demolished or destroyed under subsection (2) and shall apply the proceeds of the sale, first towards the expenses thereof, secondly, in payment or part payment of the costs incurred in the execution of the powers contained in subsection (2) and thirdly, shall pay any surplus to the owners of the buildings or works.

[s. 35]

Power to seize
stock and
weapons
Acts Nos.
45 of 1963 s. 15
14 of 1975 s. 22
14 of 1975 s. 20

37. Where an officer, the Conservator, an Assistant Conservator or person authorised in writing in that behalf by the Authority has reason to believe that-

- (a) the depasturing of any stock;
- (b) the use of any agricultural implements or machinery;

- (c) the carrying or use of any weapon, snare, trap, net, or poison;
 - (d) the gathering of any honey; or
 - (e) the taking or obtaining of any forest produce,
- is in contravention of any order made under Part IV, he may seize that stock, implements, machinery, weapon, snare, trap, net, poison, honey or forest produce:

Provided that, the person seizing that property shall immediately report the seizure to the nearest magistrate.

[s. 36]

Powers of
arrest
Act No.
14 of 1975 s. 23

38. A police officer, the Conservator, an Assistant Conservator or a person authorised in writing in that behalf by the Authority may arrest without warrant any person who he reasonably suspects has committed an offence against this Act or against any rules made under it, where-

- (a) that person refuses to give his name and address or gives a name and address which there is reason to believe to be false; or
- (b) there is reason to believe that, that person will abscond:

Provided that, where an arrest is made under this section the person making the arrest shall ensure that the person so arrested is taken without undue delay before the nearest magistrate.

[s. 37]

Offences
Act No.
14 of 1975 s. 24

39.-(1) A person who-

- (a) contravenes or fails to comply with an order made under section 24, 25 or 27;
- (b) contravenes or fails to comply with any condition of a permit issued under this Act; or
- (c) obstructs any person in the exercise of his powers under sections 28, 29, 36, 37 or 38,

commits an offence and on conviction shall be liable, in the case of a first conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both and in the case of a second or subsequent conviction, to a fine not exceeding twenty

thousand shillings or to imprisonment for a term not exceeding five years or to both.

(2) A person who tampers with or wilfully damages or alters any works constructed or executed by or on behalf of the Authority under this Act, commits an offence and on conviction shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding seven years or to both and any works so tampered with, damaged, or altered may be replaced or repaired by or on behalf of the Authority at the expense of a person convicted under this subsection and the cost so incurred may be recovered upon the order of the court as if it were a fine imposed by the court.

[s. 38]

Forfeiture
of stock
and
weapons,
etc.
Act No.
43 of 1963 s. 19

40. Where a person has been convicted of an offence under the provisions of subsection (1) of section 39 in respect of the depasturing of stock, the varying or use of weapons, snares, traps, nets or poison, the use of agricultural implements or machinery or the gathering of honey or the taking or obtaining of forest produce, the court may order that the stock, weapons, snares, traps, nets, poison, agricultural implements or machinery, honey or forest produce, be forfeited to the Government.

[s. 39]

PART VII MISCELLANEOUS PROVISIONS

Repealed

41. [Repealed by Act No. 1 of 2008, s. 43].

[s. 40]

Power to
compound
offences
Act No.
43 of 1963 s. 19

42.—(1) The Conservator and a person authorised in writing in that behalf by the Conservator may, where he is satisfied that a person has committed an offence against this Act or rules

made under this Act compound that offence by accepting from that person a sum of money:

Provided that-

- (i) that 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 that sum of money a receipt for it and shall as soon as practicable report the exercise of that power to the Conservator, unless the person executing the power is the Conservator, and to the Regional Commissioner;
- (iv) subject to subsection (2), where proceedings are brought against any person for an offence against this Act or rules made under it shall be a good defence if that person proves that the offence with which he is charged has been compounded under this section;
- (v) 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 39 is compounded under the provisions of this section, a court may make an order under section 40 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.

[s. 41]

Operation of
other laws

43.—(1) This Act shall not be deemed to prevent any person from being prosecuted under any other law for any act or omission which also constitutes an offence against this Act or from

being liable under that other law to any greater punishment or penalty than that provided by this Act, provided that no person shall be punished twice for the same offence.

(2) [Omitted.]

[s. 42]

Application of
certain provisions
of Wildlife
Conservation Act
Act No.
3 of 2020 s. 78

44.—(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation to the operations of the Service within the Conservation Area.

(2) For the purpose of subsection (1), all employees of the Ngorongoro Conservation Area Authority who perform wildlife conservation functions shall form part of the service and shall exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.

[s. 42A]

Repealed

45–46. [Repealed by Act No. 14 of 1975, s. 25.]

[ss. 43-44]

Rules
Act No.
43 of 1963 s. 22

47. The Minister may make rules generally for the better carrying out of the purposes of this Act and, in particular, but without prejudice to the generality of the preceding provisions, may make rules requiring the payment of and prescribing fees in addition to any fees which may be prescribed under section 22 for anything required or permitted to be done under this Act or any orders made by the Authority under it.

[s. 45]

FIRST SCHEDULE

(Made under section 3(1))

THE NGORONGORO CONSERVATION AREA

All that land within Ngorongoro District of Arusha Region within the following boundaries:

Commencing on the North at beacon No. SNP. 9 the boundary follows the East and South boundaries of the Serengeti National Park to beacon No. SNP. 41; thence due south to a point on the Northern shore of Lake Eyasi; thence in a North-easterly direction along the Northern shore of Lake Eyasi, and following the Mbulu-Masai district boundary to its junction with the Northern Highlands Forest Reserve; thence in an Easterly direction along the Southern boundary of the Northern Highlands Forest Reserve to its point of intersection with the top of the Rift Escarpment; thence following the top of the Rift Escarpment to Kerimasi Mountain; thence in a North-westerly direction in a straight line to the point of commencement.

SECOND SCHEDULE¹

(Made under section 5(2))

COMPOSITION AND PROCEEDINGS OF THE BOARD

- | | |
|---|---|
| Construction | <p>1. In this Schedule, unless the context requires otherwise-
 “appointing authority” means, in relation to the Chairman of the Board, the President and in relation to any other member, the Minister;
 “member” includes the Chairman.</p> |
| Composition of Board | <p>2.-(1) The Board shall consist of-</p> <ul style="list-style-type: none"> (a) a Chairman, who shall be appointed by the President; (b) the Conservator who shall also be the Secretary of the Board; and (c) not less than six and not more than eleven other members appointed by the Minister. <p>(2) In making appointments under subparagraph (c) of paragraph 1, the Minister shall ensure that the members appointed are persons who will, in his opinion, perform their functions under the Act having regard to the national interest.</p> |
| Proceedings not to be invalid by reason of irregularity | <p>3. Act or proceeding of the Board shall not be invalid by reason only of the number of members not being complete at the time of the act or proceeding or of any defect in the appointment of a member or of the</p> |

¹ Act No. 14 of 1975 s. 27

fact that a member was at the time disqualified or disentitled to act as a member.

Tenure of
appointment

4.—(1) A member of the Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member hold office for a period which the appointing authority may specify in his appointment, or where no period is so specified for a period of three years from the date of his appointment, and shall be eligible for re-appointment:

Provided that, in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

(2) A member of the Board may, at any time, resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

Absence from
three consecutive
meetings

5. Where a member absents himself from three consecutive meetings of the Board without reasonable excuse the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Appointment
of temporary
member

6. Where a member is, by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Board the appointing authority may appoint a temporary member in his place and that temporary member shall cease to hold office on the resumption of office of the substantive member.

Vice-Chairman

7. The Board shall elect one of its members to be the Vice-Chairman and a member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term of one year from the date of his election and shall be eligible for re-election.

Power of
Chairman and
Vice-Chairman

8.—(1) The Chairman shall preside at all meetings of the Board.

(2) Where at any meeting of the Board the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman at a meeting of the Board the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or a temporary Chairman presiding at a meeting shall have a casting vote in addition to his deliberative vote.

Meetings and
procedure of
Board

9.—(1) The Board shall meet not less than once during every year and at additional times which may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman.

(2) The Chairman or, in his absence from the United Republic, the Vice-Chairman may, and shall upon application in writing by at least five members, convene a special meeting of the Board at any time.

(3) The Secretary of the Board shall give to each member adequate notice of the time and place of meeting.

Quorum	10. At a meeting of the Board not less than one-half of the members in office for the time being shall constitute a quorum.
Decisions of Board	11. Subject to the provisions relating to a casting vote, all questions at a meeting of the Board shall be determined by a majority of the votes of the members present.
Decisions by circulation of papers	12. Notwithstanding the preceding provisions of this Schedule, decisions may be made by the Board without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority of them in writing: Provided that, a member shall be entitled to require that a decision be deferred and the subject matter be considered at a meeting of the Board.
Seal of Authority	13. —(1) The seal of the Authority shall be of the shape, size and form which the Board may determine. (2) The seal shall be authenticated by the signature of the Chairman, the Secretary or an officer of the Authority authorised to act in that behalf by the Board.
Signification of other documents	14. All documents, other than those required by law to be under seal, to be executed by the Authority and all decisions of the Board shall be signified under the hand of the Chairman, the Secretary, any member of the Board or officer of the Authority authorised in that behalf by the Board.
Record of proceedings of Board	15. —(1) The Board shall cause minutes of all proceedings of meetings of the Board to be entered in a book kept for that purpose. (2) Minutes if purporting to be approved by, and signed by the Chairman of, the next succeeding meeting of the Board shall be evidence of the proceedings and, until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly convened and all proceedings at it to have been duly transacted.
Board may regulate its proceedings	16. Subject to the provisions of this Schedule the Board may regulate its own proceedings.