



THE LAND TENURE (AMENDMENT) ACT, 2010

ARRANGEMENT OF SECTIONS

SECTIONS

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ACT NO. 11 OF 2010

I ASSENT

Amani Abeid Karume
{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

24th Sept, 2010

AN ACT TO AMEND THE LAND TENURE
ACT, NO. 12 OF 1992

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

- Short title and commencement. 1. This Act may be cited as the Land Tenure (Amendment) Act of 2010 and shall come into operation after being assented to by the President.
- Construction. 2. This Act shall be read together with the Land Tenure Act No. 12 of 1992 in this Act referred to as the Principal Act.

**PART TWO
AMENDMENT PROVISIONS**

- Amendment of section 2. 3. Section 2 of the Principal Act is hereby amended by adding new definitions of the following words in its alphabetical order:
- “ZIPA Act” means the Zanzibar Investment Promotion and Protection Act, No. 11 of 2004;
- “ZIPA” means the Zanzibar Investment Promotion Authority as established by the ZIPA Act;



“Relevant Authority” means any authority empowered by law to approve investments in Zanzibar.

Amendment of section 6. **4.** Section 6 of the Principal Act is hereby amended by adding new section 6D immediately after section 6C as follows:

Failure to comply with order.

6D. Any person who for the purpose of this Act, without lawful excuse:-

- (a) fails to comply with an order made under this Act; or
- (b) furnishes any information or produces any documents which is false or misleading in material particulars; or
- (c) obstructs any officer in the performance of his functions under this Act; or
- (d) otherwise contravenes the provisions of this Act,

commits an offence and upon conviction shall be liable to a fine of not less than one million shillings or imprisonment for a term of five years or both such fine and imprisonment.

Amendment of section 46. **5.** Section 46 of the Principal Act is hereby repealed and replaced by the new section 46 as follows:

Lease of public land.

46.(1) The Minister may lease any public land to any person, Zanzibari or non-Zanzibari, provided that the Minister shall not lease a public land which comprises a right of occupancy without the consent of the holder of such right of occupancy.

(2) Before the lease created the holder of the right of occupancy shall be entitled to be paid compensation based on a fair market value of the land and improvements on the land.

(3) Subject to the approval of the investment by ZIPA or other relevant authorities, the Minister may lease any land to any person, Zanzibari or non-Zanzibari intending to use that land for investment purposes.



Amendment
of section
47.

6. Section 47 of the Principal Act is hereby amended as follows:

- (i) by repealing sub sections (1) and (2) and replaced by new sub sections (1) and (2) as follows:

“(1) A lease of public land executed under the provisions of this Part shall not exceed a maximum of ninety nine years, provided that, the Minister may in his discretion increase the term of leases of public land created before or after the enactment of this Act to the maximum term of ninety nine years.

(2) Without prejudice with other provisions of this Act and notwithstanding the provisions of sub section (1) of this section, lease of public land may be renewed and where there is no renewal after expiring of the term of the lease, a Zanzibari may have a perpetual right to the demised land to be held under right of occupancy but for a non Zanzibari the demised land and all improvements thereon shall be reverted to the government.”

- (ii) by repealing sub section (3) and replaced by new sub section (3) as follows:

“(3) Lease of any public land after being developed in accordance with ZIPA approved investment plan may be sold, assigned, sub-leased or sub divided, inherited or mortgaged, provided that the lessee shall not make any disposition without approval by the Land Transfer Board and the Minister, and shall meet the terms and conditions set by the Minister.”

- (iii) by adding new sub sections (8) and (9) immediately after sub section (7) as follows:

“(8) No compensation whatsoever shall be paid to non-Zanzibari after expiring the time of the lease prescribed under subsection 2 of this section.

(9) For the purpose of this section “land” shall not include buildings and other improvements”.



Amendment of section 48. **7.** Section 48 of the Principal Act is hereby repealed and replaced by new section 48 as follows:

*Violation of restrictions in a lease.

48.(1) It shall be unlawful to terminate any lease of public land except:

- (a) for failure by the holder of such lease to complete development of the leased land within a period of thirty months from the date of being granted the lease; or
- (b) for failure by the holder to develop the leased land in accordance with the investment plan approved by ZIPA or relevant authority which shall be submitted to the Minister at the time of applying for the lease and which shall form part and parcel of the lease; or
- (c) where the holder of the lease commits a fundamental breach of the term and condition of the lease; or
- (d) where termination based on national interests.

(2) Any lessee who fails to pay a land rent after it becomes payable shall, in addition of the land rent, pay an additional rent amounting to 10% of the land rent for each month he was in default.

(3) Any lessee who fails without lawful reasons to pay such a land rent and additional rent for one year from the date additional rent becomes payable, the Minister may terminate such lease.

Provided that the holder of the lease shall be given three months notice to rectify the default before termination of the lease.

Addition of new section 48A.

8. Section 48 of the Principal Act is hereby amended by adding new section 48A immediately after section 48 as follows:

*Compensation for termination of lease.

48A.(1) No compensation shall be paid to lessee if the lease terminated under section 48(1) (a), (b) or (c) of this Act.

(2) Compensation may be given if termination is made under section 48(1)(d) of this Act and the compensation shall be based on unexhausted improvements on the land without considering the



market value of the land in which the value shall be determined at the time of an order of termination”.

Amendment 9. Section 50(1) of the Principal Act is hereby amended by deleting the of section 50. words “fifteen years” and replaced by the words “fourty nine years”.

PASSED in the House of Representatives of Zanzibar on 10th day of August, 2010.

{ IBRAHIM MZEE IBRAHIM }
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR.