

THE UNITED REPUBLIC OF TANZANIA



No. 39 OF 1966

I ASSENT,

Julius K. Nyerere
President

4TH AUGUST, 1966

An Act to repeal the Private Street Works Ordinance and to make provision enabling the Commissioner for Lands to charge premia in respect of Government Leaseholds in urban areas which benefit from any road to meet the expenses of construction and maintenance of such road

[5TH AUGUST, 1966]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Private Street Works Ordinance Short title (Repeal) and Government Leases (Road Frontage Premia) Act, 1966.

PART I

REPEAL OF THE PRIVATE STREET WORKS ORDINANCE

2. The Private Street Works Ordinance is hereby repealed.

Repeal of
the Private
Street Works
Ordinance
Cap. 347

PART II

AMENDMENTS TO THE FREEHOLD TITLES (CONVERSION) AND
GOVERNMENT LEASES ACT, 1963

3. In this Part, unless the context otherwise requires, "the principal Act" means the Freehold Titles (Conversion) and Government Leases Act, 1963.

Interpretation
Acts 1963
No. 24

4. Section 17 of the principal Act is hereby amended in subsection (1) thereof:

Payment of
road frontage
charges to be
condition of
every
Government
lease

- (a) by inserting immediately after the word "of" where it occurs in the second line of paragraph (b) the words and symbols "Part I of"; and
- (b) by deleting the word "and" where it occurs at the end of the proviso to paragraph (b) and adding immediately below the said paragraph the following new paragraph:

"(bb) subject to the condition that the tenant shall pay such road frontage premium as may be charged in respect of the leased land in accordance with the provisions of Part II of the First Schedule; and".

Payment of road frontage premium

5. The principal Act is hereby amended by adding immediately below section 18A the following new section:

"Road frontage premium

18AA. A tenant shall not be liable to pay any road frontage premium unless the Commissioner has first served upon him a notice specifying the amount of the road frontage premium required to be paid by him."

Forfeiture when road frontage premium remains unpaid for six months

6. Section 24 of the principal Act is hereby amended in subsection (1) thereof by adding immediately below paragraph (c) the following new paragraph:

"(cc) where a notice requiring payment of a road frontage premium has been served upon the tenant under the provisions of section 18AA, such premium or any part thereof remains unpaid for six months after the notice has been so served upon the tenant; or".

Amendments to the First Schedule

7. The First Schedule to the principal Act is hereby amended:

- (a) by deleting the word "RENTS" which occurs in the title;
- (b) in paragraph 1:
 - (i) by adding immediately after the words and symbols "urban holding" the words and symbols "local authority"; and
 - (ii) by deleting the full stop at the end of paragraph (1), substituting therefor a semi-colon and adding immediately below the definition "municipality" the following new definitions:

Cap. 167

"'road' means any road or street, square, court, alley or passage, bridge, lane, footpath, bridle-path or drift-way, and includes lands 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;

‘road work’ means any of the works specified in subparagraph (a) of paragraph 6 of this Schedule and includes construction of a new road.”

(c) by inserting immediately above paragraph 2 the following title:

**“ PART I
RENTS”;** and

(d) by adding immediately below paragraph 5 the following new Part:

**“ PART II
ROAD FRONTAGE PREMIA**

6. 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 or all of the following works that is to say, to sewer, level, pave, metal, flag, channel or make good such road or part of such road; 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 execution of such road work from the Government department or the local authority concerned, apportion such cost or estimated cost on the lands, whether leased lands or lands comprised in rights of occupancy granted under the Land Ordinance, 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 benefitted by the road.

7. In settling apportionment of the cost of construction of a road or execution of a road work in respect of any leased land the Commissioner shall have regard to the following factors:

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

8. The sum apportioned in respect of any leased land shall be the road frontage premium of such land and the Commissioner may call upon the tenant to pay the same in accordance with the provisions of this Act.

9. Notwithstanding the provisions of this Schedule no tenant shall be required to pay any road frontage premium in respect of the construction of any road or execution of any road work where the tenant or any previous occupier, holder or owner of the leased land has paid or is liable in law to pay any portion of the expenses of the construction of the same road or execution of the same road work assessed under the provisions of the Upanga Area (Planning and Development) Ordinance or the Private Street Works Ordinance.”

Cap. 283
Cap. 347

Passed in the National Assembly on the twenty-first day of July, 1966.


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Clerk of the National Assembly

