

CHAPTER 282

THE NATIONAL PARKS ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 282

THE NATIONAL PARKS ACT

An Act to provide for the establishment, control and management of national parks and for related matters.

[1st July, 1959]

[s. 1]

[R.L. Cap. 412]

Ord. No. 12 of 1959

Acts Nos.

37 of 1962

44 of 1963

7 of 1965

7 of 1967

1 of 1968

12 of 1968

50 of 1968

27 of 1974

14 of 1975

11 of 2003

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the National Parks Act.

Interpretation
Acts Nos. 50 of
1968 Sch.; 27 of
1974 s. 2

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

"animal" includes any animal alive or dead, whether vertebrate or invertebrate or any portion thereof;

"authorised officer" means any person authorised in writing by the Trustees to perform the functions of an authorised officer;

"hunt" includes any unnecessary act towards or conduct in respect of any animal calculated to or tending to terrify or infuriate that animal;

"mining right" means any right, title, interest or authority granted under the Mining Act or the Petroleum Exploration and Production Act;

"Minister" means the Minister responsible for national parks;

"national park" means any area of land constituted, or included within, a national park by proclamation under section 3 or 4 or declared to be a national park under section 5;

"poison" means any poison in a form capable of being used to kill, injure

or render unconscious any animal;
"Trustees" means the board styled the Trustees of the Tanzania National Parks established under section 8, and "trustee" means a member of that Board;
"vegetation" includes any form of vegetable matter alive or dead.

PART II ESTABLISHMENT OF NATIONAL PARKS AND BOARD OF TRUSTEE

Establishment of national parks

3. The President may, with the consent of the National Assembly, by proclamation published in the Gazette, declare any area of land to be a national park for the purposes of this Act.

Restriction of powers to amend, vary or revoke a proclamation made under section 3
Cap.1

4. Notwithstanding anything contained in the Interpretation of Laws Act, no proclamation made under the provisions of section 3 of this Act, shall be amended, varied or revoked except under the authority of an Act of Parliament:

Provided that the President may, with the consent of the National Assembly, by proclamation published in the Gazette, alter the boundaries of any area declared to be a national park under the provisions of section 3.

Declaration of Serengeti National Park

5.-(1) The area specified in the First Schedule to this Act is declared a national park to be called the Serengeti National Park:

Provided that the proviso to section 4 shall apply to the Serengeti National Park in the same manner as it applies to an area declared to be a national park by proclamation under section 3.

(2) Where in this Act any reference is made to a proclamation under section 3 or to the date upon which such a proclamation comes into operation then, in relation to the Serengeti National Park, there shall be substituted a reference to this Act and to the date upon which this Act comes into operation respectively.

Effect of proclamation and extinguishment of rights

6.-(1) Where the President, by proclamation under section 3, declares any area of land to be a national park or, by proclamation under section 4, so alters the boundaries of a national park as to include within such park any area of land hitherto not included, all rights, titles, interests, franchises, claims, privileges, exemptions or immunities of any person other than the President in, over, under or in respect of any land within such area shall, from the date upon which such proclamation comes into operation, cease, determine and be for ever extinguished:

Provided that, subject to the provisions of section 22, nothing in this subsection shall affect any mining right.

(2) For the avoidance of doubt it is declared that nothing in this section shall be construed as preventing or restricting the President from granting within a national park—

- (a) any mining right or other right, title, interest or authority necessary or convenient for the enjoyment of a mining right; or
- (b) for any purpose, not inconsistent with the purposes of this Act, any right, title, interest or authority under any other written law.

Compensation for extinguishment of rights

7.-(1) Any person who, immediately prior to the coming into operation of a proclamation made under section 3 or 4—

- (a) has any rights in any land within an area declared to be, or included within, a national park; and
- (b) has not agreed with the President, whether in consideration of the payment of compensation or otherwise, to surrender, release, relinquish or give up to the President every such right,

shall be entitled, if he makes claim therefor within ten weeks of the date upon which the proclamation, by virtue of which his rights are extinguished, comes into operation, to receive from the President for the extinguishment of such rights as shall not have been agreed to be so surrendered, released, relinquished or given up, such compensation as may be agreed upon.

(2) If, after the expiration of six weeks from the date upon which a claim is made for compensation, there remains outstanding between the President and the claimant any dispute as to the claimant's title to the right for which he claims compensation or as to the amount of compensation payable therefor, such dispute shall be settled by the High Court which shall have jurisdiction to hear and determine any such dispute upon a summons taken out by the Minister or by any such claimant.

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(3) The provisions of the Land Acquisition Act shall apply *mutatis mutandis* to the settlement of any such dispute as aforesaid as they apply to the settlement of disputes referred to the High Court under section 9 of the Land Acquisition Act.

(4) Nothing in this section contained shall apply to any mining right.

(5) The Minister may make rules for the purposes of this section prescribing the manner in which claims for compensation shall be made, and extending the period during which claims shall be received.

(6) Rules under this section may make different provisions for different classes or categories of rights and separate rules may be made in respect of any particular proclamation or any particular national park.

(7) Any claim for compensation under this section which is not made within the time provided therefor under subsection (1) of this section or such other time as may be prescribed, shall cease, determine and be for ever extinguished.

Establishment of a Board of Trustees Act No. 14 of 1975 s. 3; G.N. No. 478 of 1962

8.-(1) There shall be established for the purposes of this Act a Board of Trustees which shall—

- (a) be a body corporate by the name of "the Trustees of the Tanzania National Parks", with perpetual succession and a common seal;
- (b) in their corporate name be capable of suing and being sued;
- (c) be capable of holding, purchasing or otherwise acquiring and of alienating any movable property, and, with the consent of the Minister, any immovable property, for the purposes of any of the duties or functions conferred on the Trustees by this Act.

(2) The provisions of the Second Schedule to this Act shall have effect as to the constitution, proceeding and acts of, and otherwise in relation to, the Trustees.

(3) The President may, by order published in the Gazette, add to, amend vary or replace the Second Schedule to this Act.

Fund and resources of the Trustees Act No. 14 of 1975 s. 4

9. The funds and resources of the Trustees shall consist of—

- (a) such sums as may be provided for the purposes of the national parks by Parliament, either by way of grant or loan;
- (b) any loan or subsidy granted to the Trustees by the Government or any other persons;
- (c) any voluntary subscription, donation or bequest received by the Trustees from any member of the public for the purposes of national parks or any national park;
- (d) any fee or other moneys received or raised by the Trustees pursuant to any provision of this Act or any subsidiary legislation made hereunder;
- (e) any sum or property which may in any manner become vested in the Trustees as a result of the performance by the Trustees of their functions.

Annual and supplementary budget

9A.-(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Trustees:

Provided that the first financial year after the commencement of the Game Parks Laws (Miscellaneous Amendments) Act, 1975 shall commence on the date of the commencement of that Act and may be of a period longer or shorter than twelve months.

(2) Not less than two months before the beginning of any financial year (other than the first financial year) the Trustees shall, at their meeting especially convened for that purpose, pass a detailed budget (in this Act called "the annual budget") of the amounts respectively -

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Trustees during that financial year.

(3) If in any financial year the Trustees require to make any disbursement not provided for, or of an amount in excess of the amount provided for, in the annual budget for the year, the Trustees shall, at a meeting, pass a supplementary budget detailing such disbursement.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.

(5) Forthwith upon the passing of any annual budget or any supplementary budget, the Trustees shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or any approve subject to such amendments as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on the Trustees who, subject to the provisions of subsection (8), shall confine their disbursements within the items and the amounts contained in the budget as approved by the Minister.

(8) The Trustees may -

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that such disbursement is not provided for in any budget;
- (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding twenty thousand shillings to any other item contained in such budget;
- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of such alteration of expenditure limits becoming necessary.

Reserve and special funds

9B. The Trustees may, and shall if so directed by the Minister, establish and maintain such reserve or special funds of the Trustees as the Trustee or the Minister may consider necessary or expedient and shall make into or from any such funds such payments as the Trustees may deem fit or, in the case of a fund established pursuant to a direction by the Minister, as the Minister may direct.

Investment

9C.-(1) With the prior approval of the Minister the Trustees may, from time to time, invest any part of the moneys available in any fund of the Trustees in such manner as the Trustees may deem fit.

Power to borrow

9D.-(1) With the prior approval of the Minister the Trustees may, from time to time, borrow moneys for the purposes of the national parks 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 Trustees may deem fit.

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

Accounts and
audit

9E.-(1) The Trustees shall cause to be provided and kept proper books of accounts and records with respect to -

(a) the receipt and expenditure of moneys by, and other financial transactions of, the Trustees;

(b) the assets and liabilities of the Trustees,

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 Trustees and all their assets and liabilities.

(2) Not later than six months after the close of every financial year the accounts including the balance sheet of the Trustees relating to that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act. 1968.

Acts, 1968 No.1

(3) As soon as the accounts of the Trustees have been audited, and in any case not later than six months after such audit, the Trustees shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.

(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 auditors' report before the National Assembly.

Report by the
Board

9F. The Trustees shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Trustees' business during that financial year, and the Minister shall lay a copy of such report before the National Assembly together with a copy of the statement of accounts required to be laid before the National Assembly by section 9E.

Minister may
give directions

9G. The Minister may give to the Trustees directions of a general or specific character as to the exercise by the Trustees of their functions under this Act and the Trustees shall give effect to every such direction.

Annual and
supplementary
budget

10.-(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Trustees:

Provided that the first financial year shall commence on the first day of July, 1976 and may be of a period longer or shorter than twelve months.

Act No. 14 of
1975 s. 4; G.N.
No. 114 of 1976

(2) Not less than two months before the beginning of any financial year (other than the first financial year) the Trustees shall, at their meeting

especially convened for that purpose, pass a detailed budget (in this Act called "the annual budget") of the amounts respectively—

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Trustees during that financial year.

(3) If in any financial year the Trustees require to make any disbursement not provided for, or of an amount in excess of the amount provided for, in the annual budget for the year, the Trustees shall, at a meeting, pass a supplementary budget detailing such disbursement.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.

(5) Forthwith upon the passing of any annual budget or any supplementary budget, the Trustees shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendments as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on the Trustees who, subject to the provisions of subsection (8), shall confine their disbursements within the items and the amounts contained in the budget as approved by the Minister.

(8) The Trustees may—

- (a) with the sanction in writing of the Minister, make disbursement notwithstanding that such disbursement is not provided for in any budget;
- (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding twenty thousand shillings to any other item contained in such budget;
- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of such alteration of expenditure limits becoming necessary.

Reserve and special funds

11. The Trustees may, and shall if so directed by the Minister, establish and maintain such reserve or special funds of the Trustees as the Trustee or the Minister may consider necessary or expedient, and shall make into or from any such funds such payments as the Trustees may deem fit or, in the case of a fund established pursuant to a direction by the Minister, as the Minister may direct.

Act No. 14 of 1975 s. 4

Investment

12. With the prior approval of the Minister, the Trustees may, invest any part of the moneys available in any fund of the Trustees in such manner as the Trustees may deem fit.

Act No. 14 of 1975 s. 4

Power to borrow
Act No. 14 of
1975 s. 4

13.-(1) With the prior approval of the Minister the Trustees may, borrow moneys for the purposes of the national parks 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 Trustees may deem fit.

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

Staff
Regulations
Act No.11
of 2003

13A. The Trustee may make staff regulations for the management of officers and servants appointed under section 13 and for the better execution of the activities in accordance with the objectives of this Ordinance.

Accounts and
audit Act No. 14
of 1975 s. 4

14.-(1) The Trustees shall cause to be provided and kept proper books of accounts and records with respect to—

- (a) the receipt and expenditure of moneys by, and other financial transactions of, the Trustees;
- (b) the assets and liabilities of the Trustees,

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 Trustees and all their assets and liabilities.

(2) Not later than six months after the close of every financial year the accounts including the balance sheet of the Trustees relating to that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act.

(3) As soon as the accounts of the Trustees have been audited, and in any case not later than six months after such audit, the Trustees shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.

(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 auditors' report before the National Assembly.

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Report by the
Board of
Trustees Act No.
14 of 1975 s. 4

15. The Trustees shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Trustees' business during that financial year, and the Minister shall lay a copy of such report before the National Assembly together with a copy of the statement of accounts required to be laid before the National Assembly under section 14.

Hunting, capture
etc. in national
park

16.-(1) No person shall, save under and in accordance with a permit in writing signed by an authorized officer, hunt, capture, kill, wound or molest any animal (including fish) or disturb any egg or nest within a national park or be in possession or control of any animal, egg or

nest within the confines of any such park, or remove any animal, egg or nest from such park:

Provided that the provisions of this subsection shall not apply to any domestic animal or egg lawfully introduced in a national park.

(2) Any person who contravenes any provision of this section or contravenes any condition attached to any permit granted under subsection (1) shall be guilty of an offence and shall be liable on conviction -

(a) in the case where the conviction relates to the hunting, capture or killing of an animal specified in Part I of the First Schedule to the Wildlife Conservation Act, 1974, to imprisonment for a term of not less than three years but not exceeding seven years and the court may in addition thereto impose a fine not exceeding five hundred thousand shillings;

(b) in the case where the conviction relates to the hunting, capture or killing of an animal specified in Part II of the First Schedule to the Wildlife Conservation Act, 1974, to imprisonment for a term of not less than two years but not exceeding five years, and the court may in addition thereto impose a fine not exceeding five hundred thousand shillings;

(c) in the case where the conviction relates to the hunting capture or killing of an animal specified in Part III of the First Schedule to the Wildlife Conservation Act, 1974, to imprisonment for a term of not less than one year but not exceeding three years and in addition thereto the court may impose a fine not exceeding two hundred thousand shillings;

(3) References in this section to the First Schedule to the Wildlife Conservation Act, 1974 shall be construed as references to that Schedule as from time to time amended.

Acts, 2003
No. 11

Other
restrictions
applying to
national parks
Act No.11
of 2003

17.-(1) No person shall, save under and in accordance with a permit in writing signed by an authorized officer, within any national park-

(a) dig, lay, or construct any pitfall, net, trap, snare or other devices whatsoever, capable of killing, capturing or wounding any animal;

(b) carry or have in his possession or under his control any weapon in respect of which he fails to satisfy the Trustees or any authorized officer that it was intended to be used for a purpose other than the hunting, killing, wounding or capturing of an animal.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for

a term not exceeding two years or to both such fine and such imprisonment.

Undertakings by Trustees outside parks

18. The Trustees shall have power both within and, with the consent of the Minister, outside national parks—

- (a) to establish, operate or manage offices and services for the purpose of their duties and functions under this Act, the publicizing of their activities, the promotion of interest in the conservation of fauna and flora and the assistance of visitors to national parks;
- (b) to establish, operate or manage or grant concessions or licences to other persons to operate or manage on their behalf, any rest camps, lodges, restaurants or other places for the accommodation of visitors travelling to or from any national park, or for the accommodation of visitors to any place of aesthetic, geological, prehistoric, archaeological, historic, scientific, faunal or botanical interest, which may conveniently be operated in connection with any national park; and
- (c) to operate transport services for the conveyance of visitors to and from national parks or other places managed or operated by or on behalf of the Trustees.

Shares in companies

Cap.212

19. Without prejudice to the generality of the powers conferred upon them, the Trustees may, for the purpose of establishing, maintaining and managing hotels, rest camps, restaurants and lodges, with the approval of the Minister, acquire shares in a company or companies registered under the Companies Act, and may, for the purpose of obtaining shares in such company or companies, transfer to such company or companies such of their assets as the Minister may approve.

Appointment of officers

20.-(1) The Trustees may, appoint such officers and servants as they may deem necessary for the carrying out of the objects of, and their functions, duties and powers under this Act, and may in their discretion remove or dismiss such officers and servants.

(2) The officers and servants of the Trustees may be paid such salaries, allowances and wages and such retiring benefits, and, upon the death of any such officer or servant, their dependants may be paid such gratuity or allowance, as the Trustees shall deem reasonable and proper.

(3) The Trustees may grant their officers and servants such residential facilities in a national park as may be reasonable.

Power to compound offences

20A.-(1) Any officer of the Trustees, other than any such officer whose appointment is honorary, who is authorized in writing in that behalf by the Trustees may, if he is satisfied has committed an offence against

this Act or any regulations made thereunder, compound such offence by accepting from such person a sum of money:

Provided that-

Act No. 11
of 2003

- (i) such sum of money shall not exceed one hundred thousand 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 officer exercising the power conferred by this section shall give to the person from whom he receives such sum of money a receipt therefor and shall as soon as practicable report the exercise of such power to the Trustees and to the administrative officer in charge of the area in which the offence was committed;
- (iv) subject to subsection (2), if any proceedings are brought against any such person for an offence against this Act or any regulations made thereunder it shall be a good defence if such person proves that the offence with which he is charged has been compounded under this section;
- (v) any 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 is compounded under the provisions of this section, a court may make an order under subsection (2) of section 21 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 showing cause against the making thereof.

PART IV CONTROL OF NATIONAL PARKS

Restriction on
entry into
national parks
Act No.11 of
2003

21.-(1) Any person who commits an offence under this Act shall, on conviction, if no other penalty is specified, be liable -

- (a) in the case of an individual, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one years or to both that fine and imprisonment;
- (b) in the case of a company, a body corporate or a body of person to a fine not exceeding one million shillings.

(2) Any person who contravenes the provisions of this section commits an offence against this Act.

Restriction on
exercise of
mining rights
G.N. No. 478 of
1962

22.-(1) A person who holds a mining right in, over, under or in respect of land comprised in a national park, may enter and exercise the same within a national park if he has first given written notice to the Trustees and Minister and complies with any conditions which the

Minister, after consultation with the Trustees, may impose:

Provided that the Minister shall not impose any conditions inconsistent with the nature of any such mining right granted to such person.

(2) Without prejudice to the generality of the powers to impose conditions under this section, the Minister may impose conditions as to the number of persons who may be employed within a park without being in possession of a permit for the purpose of the exercise of any mining rights, and may impose conditions to be observed by such persons.

(3) Any person to whom subsection (1) of this section applies who enters any national park without first giving notice to the Trustees and the Minister, or who fails to comply with any conditions imposed by the Minister, and any person who fails to comply with any condition required, under subsection (2) of this section, to be observed by him, commits an offence against this Act.

(4) A notice given to the Minister or the Trustees under this section may either be given in respect of each entry into and exercise of rights within a national park, or with the consent of the Minister or the Trustees, as the case may be, be given generally in respect of every entry into and every exercise of rights within a national park within a period specified in the notice.

Hunting,
capture, etc., in
national park
Act No. 27 of
1974 s. 3

23.-(1) No person shall, save under and in accordance with a permit in writing signed by an authorised officer, hunt, capture, kill, wound or molest any animal (including fish) or disturb any egg or nest within a national park or be in possession or control of any animals, egg or nest within the confines of any such park, or remove any animal, egg or nest from such park:

Provided that the provisions of this subsection shall not apply to any domestic animal or egg lawfully introduced in a national park.

(2) Any person who contravenes any provisions of this section or contravenes any condition attached to any permit granted under subsection (1) commits an offence and is liable on conviction—

(a) in the case where the conviction relates to the hunting, capture or killing of an animal specified in Part I of the First Schedule to the Wildlife Conservation Act, to imprisonment for a term of not less than three years but not exceeding seven years and the court may in addition impose a fine not exceeding one hundred thousand shillings;

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(b) in the case where the conviction relates to the hunting, capture or killing of an animal specified in Part II of the First Schedule to the Wildlife Conservation Act, to imprisonment for a term of not less than two years but not exceeding five years, and the court may in addition thereto impose a fine not exceeding fifty thousand shillings;

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(c) in the case where the conviction relates to the hunting,

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capture or killing of an animal specified in Part III of the First Schedule to the Wildlife Conservation Act, to imprisonment for a term of not less than one year but not exceeding three years and in addition the court may impose a fine not exceeding twenty thousand shillings;

- (d) in the case of any other offence, to a fine of not less than three thousand shillings but not exceeding twenty thousand shillings or to imprisonment of not less than three months but not exceeding two years.

Cap.283

(3) References in this section to the First Schedule to the Wildlife Conservation Act, shall be construed as references to that Schedule as from time to time amended.

Other restrictions applying to national parks

24.-(1) No person shall, save under and in accordance with a permit in writing signed by an authorised officer, within any national park—

- (a) dig, lay, or construct any pitfall, net, trap, snare or other device whatsoever, capable of killing, capturing or wounding any animal;
- (b) carry or have in his possession or under his control any weapon in respect of which he fails to satisfy the Trustees or any authorised officer that it was intended to be used for a purpose other than the hunting, killing, wounding or capturing of an animal.

(2) Any person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

PART V GENERAL PROVISION

Regulations

25.-(1) The Trustees may, subject to the approval of the Minister, make regulations for the better carrying into effect of the provisions of this Act, and such regulations may—

- (a) prescribe the conditions under which members of the public may enter, travel through or reside in a national park, provide for the issue of permits to enter, travel through and reside in a national park, and the periods or times during or at which such park or parks shall be open to the public;
- (b) prescribe the conditions under which all or any species of animal may be photographed in a national park;
- (c) prohibit or regulate the lighting of fires in a national park;
- (d) prohibit, control, or regulate the bringing into a national park of any wild or domestic animals;
- (e) prohibit or control the cutting, damaging or removal of any

- vegetation whether alive or dead within a national park;
- (f) prohibit the destruction or defacing of any object whether animate or inanimate in a national park and the removal therefrom of any animal or mineral product;
- (g) prescribe the conditions under which the services or attendance of officers or servants of the Trustees or the services or attendance of any other person licensed by the Trustees may be obtained by any person entering, passing through or residing within a national park;
- (h) control or regulate the manner in which any person granted any right, title, interest, authority, concession or licence to operate hotels, shops or other facilities for the use of visitors to a national park may exercise the same within a national park;
- (i) prescribe the forms to be used and the fees to be paid in respect of any matter required or permitted to be done under this Act or regulations made hereunder;
- (j) provide generally for the efficient control and management of national parks:

Provided that—

- (i) nothing in any regulation made under paragraphs (a), (c), (e) or (f) of this subsection shall be construed as derogating from any mining right, or from any right, title, interest, authority or licence granted to any person to erect any buildings or construct any works; and
- (ii) no regulations made under this subsection shall apply outside a national park.

(2) There may be attached to the contravention or breach of any regulation made under this section or of any order, notice or direction given or issued under any such regulation, a penalty or penalties not exceeding the penalties specified in section 29.

(3) Regulations made under this section may require acts or things to be performed or done to the satisfaction of the Trustees, their officers or servants, empower the Trustees, their officers or servants, to issue orders, notices or directions, either orally or in writing, requiring acts or things to be performed or done or prohibiting acts or things from being performed or done, and may authorise the Trustees, their officers or servants, to grant or refuse, at their discretion, any permit or authority entitling any person to enter, travel through or reside in or to do or abstain from doing any act or thing in a national park.

(4) The Trustees may make separate regulations in respect of particular national parks, and may distinguish between classes or categories of persons to whom regulations apply.

1975 s. 5
Cap.16
Cap.76

thing done, or omitted to be done, by any Trustee or by any member, officer, servant or agent of the Trustees shall, if done or omitted *bona fide* in the execution or purported execution of his duties as such trustee, member, officer, servant or agent, subject any such person to any action, liability or demand whatsoever.

Conduct of
prosecutions

27. Any officer or other person authorised in that behalf in writing by the Trustees may prosecute in subordinate courts for all contraventions of this Act or of any regulations made thereunder, and the provisions of any law relating to prosecutions by private persons shall apply to all such prosecutions.

Power to
compound
offences Act No.
37 of 1962 s. 2

28.-(1) Any officer of the Trustees, other than any such officer whose appointment is honorary, who is authorised in writing in that behalf by the Trustees may, if he is satisfied that any person has committed an offence against this Act or any regulations made thereunder, compound such offence by accepting from such person a sum of money:

Provided that—

- (a) such sum of money shall not exceed two hundred shillings;
- (b) 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;
- (c) the officer exercising the power conferred by this section shall give to the person from whom he receives such sum of money a receipt and shall as soon as practicable report the exercise of such power to the Trustees and to the administrative officer in charge of the area in which the offence was committed;
- (d) subject to subsection (2), if any proceedings are brought against any such person for an offence against this Act or any regulations made thereunder it shall be a good defence if such person proves that the offence with which he is charged has been compounded under this section;
- (e) any 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 is compounded under the provisions of this section, a court may make an order under subsection (2) of section 29 as if the person concerned had been convicted by that court of the offence:

Provided that no such order shall be made unless the person concerned has first had an opportunity of showing cause against the making thereof.

General penalty

29.-(1) Any person who commits an offence against this Act is on conviction, if no other penalty is specified herein, liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not

exceeding one year or to both.

(2) Where any person is convicted of an offence against this Act or any regulations made thereunder, the court may order that any animal, weapon, explosive, trap, poison, vehicle or other instrument or article made use of by such person in the course of committing the offence shall be forfeited to the Government.

(3) Any domestic animal found within a national park, except a domestic animal in the lawful possession or custody of an officer or servant of the Trustees or introduced into such national park in accordance with the provisions of any regulations made by the Trustees, may be destroyed by an officer or servant of the Trustees.

(4) Any vegetation introduced into a national park in contravention of any of the provisions of any regulations made by the Trustees under this Act may, by order of the Trustees or of any officer or servant of the Trustees duly authorised by them in that behalf, be destroyed or otherwise dealt with.

Defence of life
or property

30.-(1) Nothing in this Act shall make it an offence to take all reasonable measures, extending to the killing or injury of an animal, in defence of human life or in defence of property:

Provided that—

(a) this section shall not apply to the taking of any measures in self defence in relation to an animal which would, but for the provisions of subsection (1) of this section, constitute an offence against this Act, if the behaviour of the animal necessitating the taking of such measures is the result of molestation or deliberate provocation by or with the knowledge and consent of the person concerned;

(b) nothing in this section shall be deemed to exonerate any person who, when such defence became necessary, was committing an act in contravention of any provision of this Act or of any regulation made thereunder.

(2) Any person who, in any circumstances whatsoever, kills or wounds an animal in a national park, shall make a report at the earliest possible moment to the nearest officer of the Trustees.

(3) Such report shall state what animal has been killed or wounded, the time, date and place of the killing or wounding, the nature of the wounds inflicted, together with any other information that might help to locate and identify it.

(4) Any person who kills or wounds an animal and who fails to report the same at the earliest possible moment in the manner required by this section commits an offence against this Act.

Application of
certain
provisions of the
Wildlife
Conservation

31. The provisions of sections 75, 81, 82, 85, 87 and 88 of the Wildlife Conservation Act, shall apply in relation to the investigation, prosecution, trial and punishment of and for offences under this Act.

PART VI
REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

Repeal **32.** [Repeals R.L. Cap. 253 and dissolves the Board of Trustees constituted thereunder.]

Saving **33.** [Saving of regulations made under R.L. Cap. 253.]

Transfer from
Trustees under
R.L. Cap. 253 **34.** The provisions of the Third Schedule shall apply to the transfer of property from the Trustees constituted under the National Parks Ordinance hereby repealed to the Trustees constituted under this Act and to such other matters as are therein contained.

Saving **35.** [Saving of rights of the United Republic.]

FIRST SCHEDULE

G. N. No.
235 of 1968

THE SERENGETI NATIONAL PARK

(Section 5)

Boundaries

Description: All that piece and parcel of land situate in the Mara, Mwanza, Shinyanga and Arusha regions of Tanzania; commencing at boundary Pillar number 24 on the Kenya/Tanzania interstate boundary; thence southwards for approximately 2 miles to beacon SNP 1 which is the triangulation station SKP 30, on Kuka Hill; thence southwards for approximately 46 miles through beacons SNP 2 to SNP 7 placed on hills Loili, Lobo, Longossa, Olgugi, Sigoin and Grumechen respectively; thence south-westwards for approximately 7½ miles to beacon SNP 8; thence south-eastwards for approximately 9 miles to beacon SNP 9; thence southwards for approximately 30 miles through beacons SNP 10 to SNP 19 which latter beacon is situated on the Ngorongoro-Naabi road; thence south-westwards approximately for 11½ miles through beacons SNP 20 to SNP 24; thence south-south-eastwards for approximately 3½ miles through beacons SNP. 25 and 26 to SNP. 27 which latter beacon is situated on the southern shore of Lake Lagaja; thence north-westwards along the lake shoreline to beacon SNP 28; thence north-westwards for approximately 11 miles through beacons SNP 29 to SNP 33; thence southwards for approximately 22 miles through beacons SNP 34 to SNP 41; thence west-south-westwards for approximately 5 miles through beacons SNP 42 and 43 to SNP 44; thence south-westwards for approximately 7 miles through beacons SNP 45 to SNP 49 which latter beacon is situated at Ndugani Kopje; thence north-westwards for approximately 27½ miles through beacons SNP 265, 264, 263, 262, 261, 260, 259 to SNP 258, situated on Suba Kopje; an anthill, Ipumba Kopje, Mitagaja Kopje, an anthill near the tributary of the Mbono River, Lwizilonongu Hill, Hambiyamwainyeb Rock, and on the south bank of the Simuyu River, respectively; thence continuing north westwards for approximately 9½ miles through beacon SNP 240 on Mwamekenda Kopje to SNP 239 on Bolilo Bontani Kopje near a tributary of the Duma river; thence north-north-westwards for approximately 23 miles by a line 500 yards west of the west bank of the Duma River through beacon SNP 237 on the south bank of the Namarehe River to beacon SNP 236 on Mwacholo Ndogo Kopje; thence north-westwards for approximately 2 miles to beacon SNP. 235 on Kaburusiga Kopje; thence north-north-westwards for approximately 9½ miles to beacon SNP. 234 on Kitu Hill; thence north-westwards for approximately 7½ miles through beacon SNP. 233 situated on the north bank of the Duma River to the highest point of Mwaumbusenyi Kopje; thence westwards for approximately 3 miles to Selalaliya Rock; thence north-westwards for approximately 4½ miles to beacon SNP. 231 on the north crest of a ridge and on for approximately 1 mile to beacon SNP. 231 on the north bank of the Mwaumudiya River; thence following the north bank of the Mwaumudiya River for approximately 6½ miles to beacon SNP. 230 near Kidorodomo Hill; thence following the north bank of the Mwaumudiya River for approximately 3

miles to beacon SNP. 229; thence northwards for 1/4 mile to beacon SNP. 228 situated on the Mkubaro watercourse; thence following the Mkubaro watercourse in a north-westerly direction for approximately 1 mile through beacon SNP. 227; situated at the junction of two watercourses, to beacon SNP. 226; thence westwards for approximately 3 miles to beacon SNP. 225 situate about 1/4 mile south of the Mbalangeti River; thence westwards for approximately 5 miles to beacon SNP. 224 situated on the eastern boundary of the Mwanza-Musoma Road approximately 1/2 mile south of the Mbalangeti River; thence northwards by the said road reserve boundary for approximately 1/2 mile to beacon SNP. 223 on the south of the Mbalangeti River and on for approximately 7 1/2 miles through beacon SNP. 222 to SNP. 221 on the north bank of the Ruwana river; thence eastwards along the north bank of Ruwana river for approximately 7 miles to its junction with the Grumeti River; thence south-eastwards along the north bank of the Grumeti River for approximately 2 1/2 miles to beacon SNP. 187; thence east-north-eastwards for approximately 2 1/2 miles to beacon SNP. 188 situated approximately 1/4 mile south of the Kawanga river; thence east-south-eastwards for approximately 1 mile to beacon SNP. 189 situated on the south bank of the Kawanga river; thence south-eastwards along the south bank of the Kawanga River for approximately 3 1/2 miles to beacon SNP. 190 situated at the southern end of the Kawanga Dam; thence eastwards for approximately 9 1/2 miles to beacon SNP. 191 situated on the west bank of the Raho River; thence south-eastwards for approximately 10 miles along the south bank of the Raho River to beacon SNP. 192; thence south-eastwards along a natural depression for approximately 3 miles to beacon SNP. 193 situated approximately 1/2 mile south-west of Nyazirolu settlement; thence eastwards for approximately 1 1/2 miles to beacon SNP. 194 situated at the eastern end of Nyasirolu settlement; thence east-north-eastwards for approximately 3 miles to beacon SNP. 195 situated on the south bank of the Raho River; thence eastwards along the south bank of the Raho River for approximately 2 1/2 miles to beacon SNP. 196 and on for approximately 2 miles south easterly to beacon SNP. 197 near the head of the Raho river; thence eastwards for approximately 3 1/2 miles across the Grumeti River to beacon SNP. 198 on the east bank of the said River; thence south-westwards along the east bank of the Grumeti River for approximately 3 1/2 miles to beacon SNP. 199 at the junction of the Grumeti and the Remudi Rivers, thence eastwards along the south bank of the Remudi River for approximately 20 miles to beacon SNP. 204 situated at the Ikomo to Kilimafedha road crossing; thence north-north eastwards for approximately 5 miles, through beacon SNP. 205 on a ridge to beacon SNP. 206 situated on the unnamed streams; thence eastwards along the said stream for 1/2 mile to beacon SNP. 207; thence north-north-eastwards for approximately 4 miles through beacon SNP. 208 on the Rokari River to beacon SNP. 209 on the Nabio River; thence northwards for approximately 6 1/2 miles through beacon SNP. 210 to beacon SNP. 211 on the Grumeti River; thence north-north-westwards for approximately 10 miles through beacon SNP. 212, Bwenyamuka Rock, beacon SNP. 213 to beacon SNP. 218 near the headwaters of the Tabora River; thence north-westwards for approximately 17 miles along the main watershed of the north-west flowing and north-east flowing river systems through beacon SNP. 219; SNP. 220, SNP. 241, to beacon SNP. 248 situated on the northern bank of the Mara River at the Mara Guard Post; thence along the northern bank of the Mara River for approximately 7 miles to the junction of the Mara and Swetu Rivers by the Lamai Guard Post; thence along the western bank of the Swetu Rivers for approximately 4 1/2 miles to

the point of emergence of this river from the Gongoro Marsh; thence north-north-westerly for approximately 200 yards to beacon SNP. 270; thence north-north-westerly; bisecting Gongoro Marsh for approximately 1 mile to beacon SNP. 271 on the northern shore of the Marsh; thence north-westerly for approximately 1/4 mile, to beacon SNP. 272; thence northward for approximately 2½ miles, through beacon SNP. 273 situated at the foot of the Isuria escarpment to the summit of Kwigori Hill; thence north easterly along the top of the Isuria escarpment for approximately 6½ miles to Boundary Pillar No. 18 on the Tanzania/Kenya Interstate Boundary; thence along the said interstate boundary for approximately 41 miles to Boundary Pillar 24, the point of commencement.

The whole is delineated on Registered Plan No. 14154 deposited with the Commissioner for Surveys and Mapping, Ministry of Lands, Dar es Salaam.

SECOND SCHEDULE

CONSTITUTION, PROCEEDINGS, ACTS, ETC., OF THE TRUSTEES
(Section 8)

Constitution of Trustees Act No. 44 of 1963 s. 2	<p>1.-(1) The Trustees shall consist of—</p> <p>(a) the Chief Conservator of Forests, Game Warden and the Permanent Secretary to the Ministry responsible for National Parks and the Chairman of Tanzania Tourist Board;</p> <p>(b) not more than ten and not less than six other persons appointed by the President.</p> <p>(2) The President shall appoint one of the trustees to be Chairman.</p> <p>(3) A trustee shall, unless his appointment be previously revoked, hold office for such period not exceeding five years as the President shall specify in the trustee's letter of appointment, but shall be eligible for re-appointment.</p>
Honorary trustees	<p>2. In addition to the trustees appointed under subparagraph (1) of paragraph 1, the President may on the recommendation of the trustees, appoint honorary trustees being person of eminence in scientific or other attainments, but such honorary trustees shall not have any of the powers, duties or functions conferred upon the Trustees or a Trustee by this Act.</p>
Resignation	<p>3. Any Trustee may resign his office by notice in writing to the President.</p>
Vacancy	<p>4. Subject to the provisions of paragraph 6, the Trustees may act notwithstanding any vacancy in their number.</p>
Defect in appointment	<p>5. No act or proceeding of the Trustees shall be invalid by reason of the fact that there is some defect in the appointment of a person purporting</p>

	to be a trustee.
Quorum	6. The quorum of the Trustees shall be five.
Remuneration	7. There may be paid to a trustee such reasonable fees and travelling expenses as the Trustees may, with the consent of the Minister, determine.
Secretary	8. The Trustees shall appoint a secretary to the Trustees who shall be an officer but not a member of the Trustees, and who shall conduct the correspondence and keep the records of the Trustees and shall perform such other duties as the Trustees may direct.
Meeting of the Trustees	9. (1) Meeting of the Trustees shall be convened at such time and place as the chairman shall direct but so that not less than twenty-one days' notice of such meeting shall be given. (2) The Chairman shall at any time be bound to convene a meeting of the Trustees within twenty-one days of the receipt of a requisition signed by two trustees calling upon him to do so, but so that not less than twenty-one days' notice of such meeting is given. (3) A meeting of the Trustees shall, notwithstanding that it is called by a shorter notice than that specified in subparagraphs (1) or (2) or this paragraph, be deemed to have been duly called if so agreed by all the trustees.
Election of chairman of meetings	10. At any meeting of the Trustees at which the chairman is not present, the trustees present shall elect one of their number to be chairman for that meeting.
Acts to be decided by resolution	11. All acts, matters and things authorised or required to be done by the Trustees shall be decided by resolution at any meeting at which a quorum is present. The decision of the majority of the trustees present and voting at a meeting shall be deemed to be a resolution of the Trustees.
Casting vote	12. In the event of an equality of votes on any matter the chairman (or in his absence, the trustee elected as chairman for the meeting) shall, in addition to his deliberative vote, have a casting vote.
Authorisation of acts	13. All orders, authorisations, directions, recommendations, notices or other documents made or issued by the Trustees shall be signed by the chairman or a trustee appointed by the Trustees for that purpose and by the secretary and when so signed shall be deemed to be duly made or issued by the Trustees.
Minutes	14. The secretary shall cause minutes of the proceedings of every meeting of the Trustees to be entered in a book to be kept for that purpose and the minutes shall be kept so as to show adequate details of the business

	conducted or transacted at each meeting. The minutes of the proceedings of each such meeting shall be read at that or at the next ensuing meeting, and if then passed as correct, shall be confirmed by the signature of the chairman (or in the absence of the chairman, by the trustee elected as chairman for that meeting).
Committees	15. The Trustees may appoint from among their number committees and may delegate to any such committee such portions of their powers, duties or functions as they may determine, other than the power to make regulations.
Power to make standing orders	16. Subject as aforesaid the Trustees may make standing orders providing for the regulation of the conduct of their business and operations and of the proceedings at the meetings of the Trustees or of committees of the Trustees.
<p>—</p> <p>THIRD SCHEDULE</p> <p>—</p> <p>TRANSFER OF PROPERTY AND TRANSITIONAL PROVISIONS</p> <p>(Section 34)</p>	
Interpretation	1. In this Schedule the "old trustees" means the board of trustees constituted under the National Parks Ordinance hereby repealed, and the "new Trustees", the Trustees constituted under this Act.
Effect	2. The provisions of this Schedule shall take effect notwithstanding the dissolution of the old trustees.
Vesting of assets and liabilities	3. All assets and liabilities which immediately before the coming into operation of this Act were vested in or incurred by the old trustees shall pass by succession to the new Trustees, and the new Trustees shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.
Delivery of movables, etc.	4. Upon the coming into operation of this Act the old trustees shall deliver to the new Trustees, or as the new Trustees may order, all movable property vested in the old trustees and all books, papers, documents, minutes, receipts and ledgers appertaining to the old trustees and to their operations.
Agreements	5. Subject to the provisions of paragraph 6 of this Schedule, every agreement, whether in writing or not, to which the old trustees were a party immediately before the commencement of this Act, and whether or not of

	such nature that rights, liabilities and obligations thereunder could be assigned, shall have effect as from the coming into operation of this Act as if-
	(a) the new Trustees had been a party to the agreement;
	(b) for any reference (however worded and whether expressed or implied or not) to the old trustees there were substituted in respect of anything to be done on or after the coming into operation of this Act a reference to the new Trustees.
Officers and servants	6. The appointment of any officer or servant of the old trustees subsisting immediately before the coming into operation of this Act shall, if such officer or servant so agrees, be deemed to be made by the new Trustees under the provisions of this Act, and for the purposes of determining the rights of pension or gratuity on retirement, the service of any such officer or servant shall be regarded as continuous from the time he was appointed by the old trustees.
Legal proceedings	7. Any proceedings pending at the commencement of this Act to which the old trustees were party shall be continued as if the new Trustees were party thereto in lieu of the old trustees.
Completion of acts	8. Where anything has been commenced by or under the authority of the old trustees prior to the commencement of this Act and such thing is within the powers of the new Trustees or was done in relation to any of the matters transferred by this Schedule from the old trustees to the new Trustees, such thing may be carried on and completed by, or under the authority of, the new Trustees.
Minister to secure transfer	9. The Minister may by order provide for any other matters which appear to him to be necessary or expedient for the purpose of securing the effective transfer of any assets or liabilities vested in the new Trustees by virtue of this Act, and may appoint any person to do any act or sign any document for and on behalf of the old trustees whereby the assets of the old trustees may be transferred to the new Trustees.