

CAP. 413—Supp. 59

TANGANYIKA

NGORONGORO CONSERVATION AREA

CHAPTER 413 OF THE LAWS

(PRINCIPAL LEGISLATION)

CHAPTER 413

NGORONGORO CONSERVATION AREA

Ord. 1959
No. 14 **An Ordinance to control Entry into and Residence within the Ngorongoro Crater Highlands Area, to make provision for the Conservation and Development of Natural Resources therein and for purposes connected therewith, and to amend the Mining, Fauna Conservation, Forests and Mining (Mineral Oil) Ordinances.**

[1ST JULY, 1959]

PART I

PRELIMINARY

Short title and commencement 1. This Ordinance may be cited as the Ngorongoro Conservation Area Ordinance and shall come into operation on the first day of July, 1959.

Interpretation 2.—(1) In this Ordinance unless the context otherwise requires, “the Authority” means the Ngorongoro Conservation Area Authority established under section 4;

“closed area” means an area with respect to which a closing order has been made under section 10;

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

Cap. 389 “forest produce” has the meaning ascribed to it in the Forests Ordinance;

Cap. 123
Cap. 399 “mining laws” means the Mining Ordinance and the Mining (Mineral Oil) Ordinance, and any ordinance or ordinances amending or replacing either of them;

“Minister” means the Minister for the time being responsible for the conservation of natural resources;

“Provincial Commissioner” means the Provincial Commissioner for the Northern Province;

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

(2) General orders made under this Ordinance shall apply to persons generally or to such classes of persons as may be specified therein.

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

Application of Ordinance 3.—(1) This Ordinance shall apply to the area described in the First Schedule hereto.

(2) The Governor may, with the consent of the Legislative Council, by proclamation in the *Gazette*, alter the boundaries of the area to which this Ordinance applies.

4.—(1) There shall be established an Authority to be known as the Ngorongoro Conservation Area Authority, which shall be charged with the conservation and development of the natural resources of the Conservation Area. Establishment of Authority

(2) The provisions of the Second Schedule hereto shall have effect as to the constitution, proceedings and acts of, and otherwise in relation to, the Authority.

5.—(1) If the Minister is satisfied that the Authority has defaulted in the performance of any function or duty conferred or imposed upon it by or under this Ordinance, he may make an order declaring the Authority to be in default and may by the same or any other order— Failure to perform functions

- (a) for the purpose of removing the default, direct the Authority to perform such of its functions or duties in such manner and within such time or times as may be specified in the order; or
- (b) transfer to such person or body as he may deem fit all the functions and duties of the Authority or such of its functions and duties as may be specified in the order.

(2) If the Authority fails to comply with any requirement in an order made under paragraph (a) of subsection (1) of this section within the time limited thereby for compliance with that requirement, the Minister may make an order under paragraph (b) of that subsection.

(3) Where an order is made under paragraph (b) of subsection (1) of this section, the Minister may, with the prior approval of the Governor in Council of Ministers, by the same or any other order, suspend the Authority for such time as he may think fit from the performance of all its functions and duties or such of its functions and duties as may be specified in such order.

(4) Any person or body to whom any of the functions or duties of the Authority have been transferred under the provisions of this section shall, when performing such functions and duties and in respect thereof, be deemed to be the Authority for the purposes of this Ordinance, and when so acting shall have all the powers of the Authority in that behalf and the immunities of the members thereof.

PART II

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

6.—(1) The Minister may, ~~after consultation with the Authority,~~ make rules prohibiting, restricting and controlling entry into and residence within the Conservation Area. Restriction of entry and residence in Conservation Area

(2) Nothing in any rules made under this section shall operate so as to prohibit, restrict or control—

- (a) the entry into or residence within the Conservation Area, or any part thereof, of public officers on duty or members of the Authority; or
- (b) the entry into the Conservation Area of persons holding therein any estate or interest in freehold land, any leasehold land or any land under a right of occupancy granted under section 6 or section 11 of the Land Ordinance, all reasonable access by such persons to such land or the residence of such persons on such land; or
- (c) the entry into the Conservation Area of persons holding, over lands therein, a prospecting right or licence or exploration licence, or a mining lease granted or claim made under the mining laws, all reasonable access by such persons for the purposes of such right, licence, claim or lease, or the residence of such persons in accordance with the rights thereby conferred; or
- (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) of this subsection, to the same extent as such person is not subject to the operation of such rules; or
- (e) the entry into the Conservation Area upon any public highway of persons travelling through the Conservation Area along such highway; or
- (f) ~~the entry into or residence within the Conservation Area of any members of the Masai tribe.~~

Provided that nothing in this subsection contained shall be construed as granting or recognizing 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 Ordinance, or with any rules or orders made thereunder, notwithstanding that such 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 thereof;
- (b) empower the Authority to issue permits permitting persons to enter, or to enter and reside within, the area to which such rules apply, subject to such terms and conditions as the Authority may think fit;
- (c) ~~provide for an appeal to the Provincial Commissioner against the refusal of the Authority to issue a permit, and against any terms and conditions to which any permit is subject;~~

- (d) empower ~~members of the Authority~~ and such other persons as may be specified therein to require any person within the area to which such rules apply to produce any permit issued to him or to satisfy such member or other person as aforesaid that he is a person to whom such rules do not apply;
- (e) empower the Authority to erect barriers on public roads into or within the Conservation Area for the control of entry into the area to which such rules apply;
- (f) 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 such 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 therein;
- (g) attach to the breach of any rule or of any term or condition inserted in a permit issued by the Authority, penalties not exceeding the penalties prescribed in subsection (1) of section 18;
- (h) authorize the removal by members of the Authority and such other persons as may be specified therein of any person found within the area to which such rules apply in contravention of any such rules;
- (i) provide generally for all matters or things necessary or incidental to the foregoing.

7.—(1) The ~~Minister~~ may, ~~after consultation with the Authority,~~ ^{Certificates of residence} make rules requiring the persons who are described in paragraphs (b), ~~(c),~~ (d) and (f) of subsection (2) of section 6 or any of them or any class thereof, 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 thereof;
- (b) authorize or require the ~~Authority~~ or such other persons as may be specified therein to issue certificates to such persons as apply therefor and who satisfy the ~~Authority~~ or other persons as aforesaid that they are persons to whom such rules apply;
- (c) require all persons to whom a certificate is issued to produce the same to any person specified in such rules;
- (d) authorize the ~~Authority~~ to impose conditions in any such certificate requiring the holder thereof to enter or leave the area to which such rules apply at any particular place or places;

- (e) prohibit, regulate or control the entry into or residence within the area to which such rules apply of any person who is required to apply for a certificate of residence who is not in possession of such a certificate;
- (f) attach to the breach of any condition contained in any such certificate or to the breach of any rule made under paragraph (e) of this subsection, penalties not exceeding the penalties prescribed in subsection (1) of section 18;
- (g) authorize the removal by ~~members of the Authority~~ or such other persons as may be specified therein of any person required to apply for a certificate of residence who is not in possession thereof when found in the area to which such rules apply;
- (h) provide generally for all matters or things necessary or incidental to the foregoing.

(3) Any person aggrieved by the refusal of the Authority or of any other person authorized in that behalf to issue to him a certificate under rules made under this section or by the imposition of any condition in a certificate issued to him may appeal against such refusal or imposition to the Provincial Commissioner, and thereupon the Provincial Commissioner may either confirm the refusal to issue such certificate or the imposition of the condition, or may require the Authority or other person authorized in that behalf to issue a certificate either with or without conditions, or may modify, vary or quash the condition; and the Authority or such other person as aforesaid, as the case may be, shall comply with any such requirement of the Provincial Commissioner under this subsection.

Control of
residence
and
settlement

8.—(1) The Authority may, by ~~special order~~, or with the ~~prior~~ approval of the Provincial ~~Commissioner~~, by ~~general order~~, prohibit, restrict or control ~~residence or settlement in any part of~~ the Conservation Area ~~other than freehold land, leasehold land,~~ land held under a ~~right of occupancy granted~~ under section 6 or section 11 of the Land Ordinance or land which is the subject of a claim made ~~or~~ a mining lease granted under the mining laws, for such time ~~and~~ in such manner as 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 such conditions as the Authority may think fit;
- (c) authorize the removal from any area to which such order applies of any person who takes up or continues residence or makes or continues any settlement in contravention of any such order or of any condition contained in a permit.

PART III

CONTROL OF CULTIVATION AND GRAZING AND PROTECTION OF NATURAL RESOURCES

9.—(1) Whenever the Authority considers it necessary or expedient so to do for the purpose of the conservation of the soil of, or the prevention of the adverse effects of soil erosion on land in, the Conservation Area, or any part thereof, or otherwise for the protection and preservation of the natural resources thereof, it may make special orders or, with the prior approval of the Provincial Commissioner, general orders—

Conservation of soil and protection of natural resources

- (a) prohibiting, restricting or controlling the use of land for any agricultural purpose including the depasturing of stock;
- (b) prohibiting, restricting, limiting or controlling—
 - (i) the breaking or clearing of land for the purposes of cultivation;
 - (ii) the introduction, grazing, watering or movement of stock;
 - (iii) the firing, clearing or destruction of vegetation including stubble;
 - (iv) the use of wells, boreholes, waterholes, watercourses, streams, rivers or lakes;
 - (v) the gathering of honey or forest produce;
 - (vi) the exercise of any rights in relation to forest produce determined under the provisions of the Forests Ordinance; Cap. 389
 - (vii) the introduction or removal of flora or fauna;
 - (viii) the use of agricultural implements or machinery;
 - (ix) the carrying or use of weapons, snares, traps, nets or poison;
- (c) requiring, regulating or controlling—
 - (i) the afforestation or reafforestation 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) prescribing the method of cultivation of land;
- (e) prohibiting, restricting or controlling—
 - (i) the construction or extension of buildings or works, or restricting or controlling the siting thereof;
 - (ii) the construction or extension of any roads or tracks or restricting or controlling the siting or alignment thereof;

Provided that no order made under paragraph (e) of this subsection—

(I) shall operate so as to require any person to demolish, destroy, alter or remove any buildings, works, roads or tracks of a permanent nature or any part thereof which were constructed prior to the coming into operation of this Ordinance; or

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(II) shall operate so as to prevent the construction or extension of any buildings, works, roads or tracks by the holder of a right of occupancy granted under section 6 or 14 of the Land Ordinance who is required to construct or extend the same by the terms or conditions thereof; or

(III) shall operate to prevent the construction or extension of any buildings, works, roads or tracks by the holder of a claim made or lease granted under the mining laws, within the limits of such claim or lease, which are necessary for the enjoyment of the rights granted under any such 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 such exemptions or conditional exemptions from the operation thereof as may be specified;
- (b) for the grant of permits or conditional permits of exemption from the operation thereof and in particular for the exercise of the rights granted by such permits during such time or at such intervals as 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 any act or thing be done at or within such time as may be specified and to the satisfaction of the Authority, or any person specified therein;
- (e) that such orders, and any permits issued thereunder, shall be subject to any 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) of this section; and
- (b) require any act or thing to be done and prohibit any act or thing from being done before or after any specified time.

Closing
orders

10.—(1) Where the Authority 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, it may, with the prior approval of the Provincial Commissioner, by general or special order direct that such land shall be a closed area.

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

11. The Authority may take measures within the Conservation Area— Executive powers of Authority

- (a) for the control, conservation and utilization 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 such works as the Authority thinks necessary or expedient for any of such purposes.

12.—(1) Any person authorized 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 the conservation or improvement thereof;
- (b) for the purpose of ascertaining whether the land is being used in accordance with the provisions of any order made under section 8, 9 or 10, or for the purpose of communicating such orders;
- (c) together with any necessary workmen, agents, contractors, supervisors or organizers, for the purpose of taking any measures or constructing or executing any works authorized under the provisions of section 11, or of inspecting, repairing or maintaining any works so constructed or executed.

(2) No compensation shall be payable to the owner of any land or of any interest therein upon which works have been constructed without negligence under the provisions of section 11 and of this section.

PART IV

ORDERS AND APPEALS.

Making and notification of orders
Cap. 77

13.—(1) General orders made under this Ordinance shall be in writing and shall be published in the same manner as orders made under section 16 of the Native Authority Ordinance, and by posting the same at the offices of the Authority in the Conservation Area and at the district headquarters of the Masai District.

(2) A copy of every general order made by the Authority under this Ordinance and of every special order made under section 10, authenticated in accordance with the provisions of the Second Schedule, shall be despatched, at the time of making the same, to the Minister, the Provincial Commissioner and the District Commissioner of the Masai District.

(3) Special orders made under this Ordinance shall be in writing. Such orders may be communicated to the person to whom they are addressed either by delivering to such person, or by leaving at such person's address, a copy thereof authenticated in accordance with the provisions of the Second Schedule (or where the order is made by a person to whom the power to make special orders has been delegated, by the signature of such person), or by a person authorized in that behalf by the Authority or to whom the power to make special orders has been delegated informing the person to whom such orders are addressed of their contents verbally; and when such orders are so made and communicated they shall be deemed to have been properly made and published to the person to whom they are addressed :

Provided that where any such order is communicated verbally, the person to whom it is communicated shall be entitled, on demand and upon signing a receipt therefor, to a written copy of such order authenticated as aforesaid.

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(4) Notwithstanding the provisions of section 7 of the Interpretation and General Clauses Ordinance, no order made under this Ordinance shall be impeached by reason only of its not being published in the Gazette.

Powers of Provincial Commissioner with regard to special orders and certain conditions

14.—(1) Any person aggrieved by—

- (a) a special order (other than a special order made under section 10) addressed to himself and made under this Ordinance; or
- (b) the refusal to grant a permit, or a condition imposed in a permit issued to him, under a general order made under this Ordinance,

may appeal against such order or condition to the Provincial Commissioner, and the Provincial Commissioner may either confirm the order, refusal or condition or may vary, modify or quash the order

or condition, or direct the issue of a permit, with or without conditions, as the case may be; and the Authority shall give effect to any such direction.

(2) Any special order or condition varied or modified under the provisions of subsection (1) of this section shall, from the date of such variation or modification, take effect as so varied or modified.

(3) Where the Provincial Commissioner varies, modifies or quashes a special order or condition under subsection (1) of this section, he may give directions to the Authority in respect of any matter or thing previously done or suffered under the order or condition, and the Authority shall give effect to such directions.

PART V

ENFORCEMENT AND PENALTIES

15.—(1) The Authority may, by special order, require any person who has constructed or extended any buildings, works, roads or tracks in contravention of any order made under this Ordinance to modify, demolish or destroy the same within such period as the Authority may specify. Power to demolish works

(2) If any person fails to comply with any such requirement, it shall be lawful for any person authorized in writing in that behalf by the Authority to enter upon any land together with all necessary workmen, agents, contractors, supervisors and organizers and to cause such building, works, road or track to be modified, demolished or destroyed, and the Authority may recover the cost of such 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) of this section and shall apply the proceeds of such 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 such buildings or works.

16. Where any ~~administrative officer~~, police officer or member of the Authority authorized in writing in that behalf by the Authority has reason to believe that— Power to seize stock and weapons

- (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 III of this Ordinance, he may seize such stock, implements, machinery, weapon, snare, trap, net, poison, honey or forest produce :

Provided that the person seizing such property shall forthwith report such seizure to the nearest magistrate.

Powers of arrest

17. ~~An administrative officer~~, police officer, or member of the Authority authorized in writing in that behalf by the Authority, may arrest without warrant any person who he reasonably suspects has committed an offence against this Ordinance or against any rules made thereunder, where—

- (a) such 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 such person will abscond :

Provided that every ~~officer or member of the Authority~~ making an arrest under this section shall ensure that the person so arrested is taken without delay before the nearest ~~magistrate~~.

Offences

18.—(1) Any person who—

- (a) contravenes or fails to comply with an order made under section 8, 9 or 10; or
- (b) contravenes or fails to comply with any condition of a permit issued under general orders made under section 8 or 9; or
- (c) obstructs any person in the exercise of his powers under section 11, 12, 15, 16 or 17,

shall be guilty of an offence against this Ordinance and shall be liable on conviction, in the case of a first conviction, to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment; and in the case of a second or subsequent conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who tampers with or wilfully damages or alters any works constructed or executed by or on behalf of the Authority under this Ordinance shall be guilty of an offence against this Ordinance and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; 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 any 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.

Forfeiture of stock and weapons, etc.

19. Where any person has been convicted of an offence under the provisions of subsection (1) of section 18 in respect of the depasturing of stock, the carrying 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 such stock, weapons, snares, traps, nets, poison, agricultural implements or machinery, honey or forest produce, shall be forfeit to the Crown.

PART VI

MISCELLANEOUS

20. ~~An administrative officer or member~~ of the Authority ^{Conduct of} ~~authorized in that behalf by the Minister,~~ may conduct a prosecution ^{prosecutions} for an offence against this Ordinance or any rules made thereunder and shall for that purpose have the powers of a public prosecutor for the purposes of the Criminal Procedure Cap. 20

21.—(1) Subject to the provisions of subsection (2) of this section, nothing in this Ordinance shall 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 Ordinance or from being liable under such other law to any greater punishment or penalty than that provided by this Ordinance, provided that no person shall be punished twice for the same offence. Operation of other laws

(2) The provisions of the Ordinances set out in the first and second columns of the Third Schedule hereto shall take effect within the Conservation Area subject to the modifications, additions and amendments set out in the third column thereof.

22. The Authority may delegate to any member of the Authority, approved in that behalf by the Provincial Commissioner, all or any of its powers to make special orders under this Ordinance. Delegation of power to make special orders

23. No member of the Authority and no person acting under and in accordance with any authorization lawfully given by the Authority under this Ordinance shall incur any personal liability for any loss or damage caused by any act or omission in the administration of the affairs, the exercise of the powers or functions or the performance of the duties of the Authority unless such loss or damage be occasioned by an intentionally wrongful act on his part. Indemnity

24.—(1) The Minister may make rules generally for the better carrying out of the purposes of this Ordinance and, in particular, but without prejudice to the generality of the foregoing, may make rules— Rules

- (a) requiring the payment of and prescribing fees (in addition to any fees which may be prescribed under section 6) for anything required or permitted to be done under this Ordinance or any orders made by the Authority thereunder; and
- (b) varying, adding to or replacing all or any of the provisions of the Second Schedule.

(2) Any rules made under paragraph (b) of subsection (1) of this section shall be laid before the Legislative Council.

FIRST SCHEDULE

THE NGONGORO CONSERVATION AREA

All that land within the Masai District of the Northern Province 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 SCHEDULE

CONSTITUTION AND MEETINGS OF THE AUTHORITY

- Constitution of Authority** 1.—(1) The Authority shall consist of not less than five and not more than eleven members appointed by the Minister, of whom one shall be designated Chairman.
- (2) The members of the Authority shall, unless their appointment be previously revoked, hold office for three years, but shall be eligible for re-appointment.
- Casual vacancies** 2. In the event of the death or permanent incapacity for any cause or resignation or removal from office of any member, the Minister may appoint in his place another member who shall hold office for the unexpired residue of the period of office of the member in whose place he is appointed, unless his appointment is previously revoked.
- Resignation** 3. Any member of the Authority may resign his office by notice in writing to the Minister.
- Vacancy** 4. Subject to the provisions of paragraph 6, the Authority may act notwithstanding any vacancy in its number.
- Defect in appointment** 5. No act or proceeding of the Authority shall be affected or invalidated by reason of the fact that there was some defect in the appointment of a person purporting to be a member of the Authority.
- Quorum** 6. The quorum of the Authority shall be five.
- Appointment of member as Secretary** 7. The Authority may appoint or elect one of its number (other than the Chairman) to be the Secretary of the Authority.
- Meetings of the Authority** 8. (a) Meetings of the Authority shall be convened at such time and place as the Chairman shall direct, but so that not less than seven days' notice of such meeting is given.
- (b) The Chairman shall at any time be bound to convene a meeting of the Authority within twenty-one days of the receipt of a requisition signed by two members of the Authority calling upon him to do so, but so that not less than seven days' notice of such meeting is given.
- Election of Chairman of meetings** 9. At any meeting of the Authority at which the Chairman is not present, the members present shall elect one of their number to be Chairman for that meeting.
- Minutes** 10. (a) The Secretary shall cause minutes of the proceedings of every meeting of the Authority 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 member elected as Chairman for that meeting).
- (b) Copies of the minutes of every meeting of the Authority shall, when confirmed, be despatched to the Provincial Commissioner and the District Commissioner of the Masai District.

11. Subject to the provisions of this Schedule, the Authority shall have power to regulate its own proceedings. Power to regulate proceedings

ACTS OF THE AUTHORITY

12. All acts, matters and things authorized or required to be done by the Authority shall be decided by resolution at a meeting at which a quorum is present. The decision of the majority of the members present and voting at a meeting shall be deemed to be a resolution of the Authority. Acts to be decided by resolution

13. In the event of an equality of votes on any matter, the Chairman (or in his absence, the member elected as Chairman for the meeting) shall, in addition to his deliberative vote, have a casting vote. Casting vote

14. All orders, directions, notices, permits, certificates or other documents made or issued by the Authority shall be signed by the Chairman or Secretary or by a member of the Authority, appointed by the Authority for that purpose, and when so signed shall be deemed to be duly made or issued by the Authority. Authentication of acts

15. The Authority shall, within three months after the end of each year, render a report to the Minister on its operations during the previous year. Annual Report

FINANCIAL PROVISIONS

16. All fees paid to or collected by the Authority and all other moneys accruing to the Authority shall be paid into the general revenues of the Territory. Funds

THIRD SCHEDULE

(Section 21)

1	2	3
Ordinance Mining (Cap. 123)	Section section 14 (3)	Variation, modification or amendment Add immediately below paragraph (c) of the proviso thereto the following proviso to be lettered (d) :— “(d) prospect in the Conservation Area established under the Ngorongoro Conservation Area Ordinance, unless he has first given notice to the Ngorongoro Conservation Area Authority and unless he complies with all orders lawfully made by the Authority which are applicable to him;”
Fauna Conservation (Cap. 302)	section 11	Add immediately below subsection (2), the following new subsection to be numbered (3) :— “(3) The Game Warden shall not grant any permission under this section in respect of any controlled area situate within the Conservation Area established under the Ngorongoro Conservation Area Ordinance, without the consent of the Ngorongoro Conservation Area Authority.”
Forests (Cap. 389)	section 5 (1)	Delete the full stop at the end thereof, substitute therefor a colon and add the following new proviso :— “Provided that before making, varying or revoking any order in respect of a forest reserve situate within the Conservation Area established under the Ngorongoro Conservation Area Ordinance, the Governor shall consult the Ngorongoro Conservation Area Authority.”

1	2	3
<i>Ordinance</i>	<i>Section</i>	<i>Variation, modification or amendment</i>
	section 19	<i>Add</i> immediately below subsection (3), the following new subsection to be numbered (4) :—
	Cap. 413	“(4) No person or authority shall issue any licence in respect of a forest reserve situate within the Conservation Area established under the Ngorongoro Conservation Area Ordinance, without the consent of the Ngorongoro Conservation Area Authority.”
Mining (Mineral Oil) (Cap. 399)	section 6 (1)	<i>Delete</i> the colon at the end of paragraph (xvi) thereof, <i>substitute</i> a semi-colon, and <i>add</i> immediately below paragraph (xvi), the following new paragraph to be numbered (xvii) :—
	Cap. 413	“(xvii) land within the area of the Conservation Area established under the Ngorongoro Conservation Area Ordinance, unless the licensee or lessee shall have first given notice to the Ngorongoro Conservation Area Authority, and unless he complies with all orders lawfully made by the Authority which are applicable to him.”

Part II of the Bill deals with the control of entry into, and residence and settlement within, the conservation area. By clause 6 the Minister may prevent, restrict or control entry into or residence within the area. Powers under this clause are not exercisable in respect of persons who have rights to land within the conservation area or of members of the Maasai tribe, but under clause 7 such persons may be required to take out certificates of residence. By clause 8 the Authority may prohibit or restrict residence or settlement in any particular area of land other than freehold or leasehold land or land over which the Governor has granted rights of occupancy or mining titles.

Part III is concerned with control over cultivation and grazing and confers powers for the protection of natural resources. This Part would confer on the Authority a number of powers designed to prevent soil erosion, conserve the soil and protect and preserve forests, water supplies, pasture and wild animals (clause 9). Clause 10 makes provision for closing areas to occupation, cultivation, grazing and the taking of forest produce. The Authority would also be given power to take conservation measures and to enter upon land to execute the necessary works.

The Bill proposes that the Authority may exercise its powers of control by making either general orders applying to all persons in the conservation area or to the classes of persons specified in the order, or special orders applying to named persons. The former would require the prior approval of the Provincial Commissioner and would be published in a similar manner to orders made under the Native Authority Ordinance, the latter by communication to the persons affected. By clause 14, any person affected by a special order would have a right of appeal to the Provincial Commissioner. By clause 22, the Authority's power to make special orders may be delegated to any member of the Authority approved by the Provincial Commissioner.

Part V makes provision for the enforcement of the provisions of the Bill and prescribes penalties for failure to comply with the Authority's orders or for interference with works. The powers of enforcement include power to demolish unlawful works (clause 15)—to seize stock and weapons used in contravention of an order (clause 16) and to arrest offenders if they refuse to identify themselves or there is reason to believe they will abscond. Offences would be punishable by a fine of Shs. 1,000/- or three months' imprisonment or both or, in the case of a second or subsequent conviction, Shs. 3,000/- or six months' imprisonment or both; and the court may order the seizure of chattels used in the commission of the offence. In the case of damage to works the punishment would be Shs. 10,000/- or six months' imprisonment or both, and the Authority would be enabled to recover the cost of repair.

It is proposed that the provisions of the Bill should be in addition to the provisions of other natural resources legislation, but with regard to certain enactments (set out in the Third Schedule) powers exercisable under such enactments are subject to prior consultation with or the consent of the Authority.

Dar es Salaam,
21st March, 1959

J. S. R. COLR,
Attorney-General

OBJECTS AND REASONS

The Serengeti Committee of Enquiry, 1957, recommended that the Ngorongoro Crater Highlands be made a special conservation unit, administered by Government, with the object of conserving water supplies, forest and pasture—primarily in the interests of man, but with due regard for the preservation of wild animal life. This recommendation was accepted by Government in Government Paper No. 5 of 1958, and this Bill seeks to make provision for the establishment of an Authority to administer the unit, and for conferring upon it the necessary powers.

Part I deals with preliminary matters, including the delineating of the area to which the Bill would apply (clause 3 and the First Schedule) and the establishment of the administering Authority (clause 4 and the Second Schedule). The Authority would consist of from five to eleven members appointed by the Minister, and, in the exercise of its powers, would be subject to control by the Provincial Commissioner, Northern Province.

NGORONGORO CONSERVATION AREA AUTHORITY

Supplement No. Date

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No.

Date

Printed by the Government Printer, Dar es Salaam by Order of the

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NGORONGORO CONSERVATION AREA ORDINANCE

(CAP 413)

RULES

Made under Sections 6 & 7

THE NGORONGORO CONSERVATION AREA (AMENDMENT OF SECOND SCHEDULE)

RULES 1982

- GN. 1972 1. These Rules may be cited as the Ngorongoro Conservation Area (Amendment of Second Schedule) Rules, 1992 shall be read as one with the Ngorongoro Conservation Area Rules, 1982 and shall be deemed to have come into operation on the 1st day of July 1993.
- GN. 1972 2. The Ngorongoro Conservation Area Rules, 1982
No. 12 are hereby amended by deleting the Second Schedule
GN. 1982 thereto and substituting for it the following
No new schedule:

SECOND SCHEDULE

Fees for the period commencing at the time of arrival and ending after twenty four hours on the following period of twenty four hours or part thereof spent within the Conservation Area.

1. Permit for the entry of each person:

	<u>Resident</u> Tshs.	<u>Non-Resident</u> US Dollars
(a) of or above the age of 16 years	500=	20.00
(b) between the age of 3 and 16 years	100=	5.00
(c) Resident non-citizen of or above the age of 16 years		10.00
(d) Resident non-citizen between 3 and 16 years of age		3.00
(e) of or below the 3 years	free	free

2. Permit for each:

Tanzanian/Foreign motor vehicle (viz a foreign motor vehicle is any vehicle coming from outside Tanzania and bearing foreign registration. A commercial vehicle is any vehicle rendering service to tourist)

	<u>Tanzania</u> <u>Registration</u> Tshs.	<u>Foreign</u> <u>Registration</u> US Dollars
(a) Tare weight up to 2000 kgs.	1,000=	30.00
(b) Tare weight over 2000 kgs.	10,000=	150.00
(c) Commercial Tanzania Registration motor vehicle up to 2000 kgs.		15.00
(d) Commercial Tanzania Registration motor vehicle over 2000 kgs.		75.00

3. Long-term permit for resident commercial vehicles, tractors/ trailers, boat and aircrafts.

(a) Tare weight up to 2000 kgs.	20,000=	800.00
(b) Tare weight over 2000 kgs.	40,000=	1600.00
(c) Tractors and Trailers, Boats	5,000=	200.00
(d) Aircraft	20,000=	800.00
(e) Commercial Tanzania Registered motor vehicles up / 2000 kgs.		400.00
(f) Commercial Tanzania Registered motor vehicles over 2000 kgs.		800.00

	<u>Tshs.</u>	<u>US Dollars</u>
(g) Commercial Tanzania Registered tractors and trailers, boats		100.00
(h) Commercial Tanzania Registered Aircraft		800.00

Per annum or Pro-rata on quarterly basis.

4. Vehicle Accident Rescue Fee:

Any vehicle which overturns or is involved in an overhead collision will be required to pay special fee as follows:

(a) Tare weight up to 2000 kgs.	50,000=	2,000.00
(b) Tare weight over 2000 kgs.	100,000=	4,000.00
(c) Commercial Tanzania Registered motor vehicles up to 2000 kgs.		1,000.00
(d) Commercial Tanzania Registered motor vehicles over 2000 kgs.		2,000.00

5. Permit of Camping in any period of twenty four hours:

(a) On Public/Communal Campsites:

(i) Each person of above the age or 16 years.	500=	15.00
(ii) Each person between the age of 3 and 16 years of age.	100=	5.00
(iii) Resident non-citizen of or above the age of 16 years.		5.00
(iv) Resident non-citizen between the age of 3 and 16 years of age.		2.00
(v) Each person of below the age of 3 years.	free	free

6. Permit for the Landing of Aircrafts and Helicopters per day (24 hours):

(a) <u>Tanzania Registered:</u>	<u>Private</u> <u>Tshs.</u>	<u>Commercial</u> <u>Tshs.</u>
(i) Up to 6 seaters	500=	1,000.00
(ii) 7 - 12 seaters	1,500=	3,000.00
(iii) Over 18 seaters	3,000=	5,000.00

	(b) <u>Foreign Registered:</u>	US Dollars	US Dollars
	(i) Up to 6 seaters	30.=	100.00
	(ii) 7 - 12 seaters	90.=	150.00
	(iii) Over 13 seaters	150.=	300.00
7.	<u>Crater Service Charges and Guide Fees:</u>	<u>Resident Tshs.</u>	<u>Non-Resident US Dollars</u>
	(a) The charge for the Crater tour		
	(i) Vehicle up to 7 seaters	500=	20.00
	(ii) Vehicles of 8 seaters and not exceeding 16 seaters.	1000=	30.00
	(iii) Vehicle up to 7 seaters Resident non-citizen.		10.00
	(iv) Vehicle of 8 seaters and not exceeding 16 seaters Resident non-citizen		15.00
	(b) The fee for an official guide who accompanies tourists outside his normal station apart from the Crater, are as follows:	1000=	15.00
8.	<u>Hotel Concession fees:</u>		
	A fee of 10% per bed night shall be payable by the owner or proprietor of a hotel or lodge in respect of each person who lodges or stays in such a hotel or lodge.		
9.	<u>Fees for Photography:</u>		
	(a) <u>Cinematography/Video/Film</u>		
	(i) Number of persons (including directors, producers, artists, technicians, administrative staff) making or participating in the making of film.		
	<u>1 - 10 persons</u>	<u>Resident and Non- Resident US Dollars</u>	
	First week	800.00	
	Second week	600.00	
	Third week	400.00	
	For each subsequent week	200.00	
	<u>11 - 20 persons</u>		
	First week	1,600.00	
	Second week	1,300.00	
	Third week	1,000.00	
	For each subsequent week	600.00	

More than 20 persons

First week	2,600.00
Second week	2,000.00
Third week	1,300.00
For each subsequent week	600.00

(The Ngorongoro Conservation Area Authority will receive a free copy of each such film irrespective of the fees above).

NB: The fees above are exclusive of any other fee above.

- * The Ngorongoro Conservation Area (Amendment) rules 1982 are hereby revoked.
- * These rules shall come into operation on the first day of January 1993.
- * Made by Trustees of the Ngorongoro Conservation Area Authority on the 8th May 1991.

A. MASCARENHAS
CHAIRMAN

E. B. CHAUSI
SECRETARY

I APPROVE

A. MGUMIA
MINISTER FOR TOURISM,
NATURAL RESOURCES AND
ENVIRONMENT

Dar es Salaam

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