

**EQUITABLE ISSUES IN COMPULSORY LAND  
ACQUISITION AND COMPENSATION IN TANZANIA  
WITH PARTICULAR REFERENCE TO THE LAND  
ACQUISITION ACT NO 47 OF 1967 AND THE LAND  
ACT NO. 4 OF 1999**

**A GENERAL OVERVIEW**

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# 1.0 INTRODUCTION

- Compulsory Land Acquisition
- National Land Policy
- Laws governing land acquisition

## **2.0 RATIONALE AND JUSTIFICATION FOR COMPULSORY LAND ACQUISITION**

- Some individuals would not yield up/sell their land voluntarily even in situations where the land under reference is required for the general benefit of the community.
- To uphold the principle that land is vested in eminent domain.

## **3.0 SITUATIONS WHICH COULD GIVE RISE TO COMPULSORY LAND ACQUISITION**

- Where the state feels that a given land parcel would be economically and more readily improved in quality if it were to be acquired and given to a 'tiller'/developer.
- To operationalise an envisaged land reform
- Where a particular land parcel is earmarked for a project that is beneficial to the community at large
- To facilitate and enhance equitable land resource distribution

## **4.0 PRINCIPLES GOVERNING COMPENSATION UNDER COMPULSORY LAND ACQUISITION**

- The Principle of **Equivalence**
- The principle of **Substitution**
  - ❖ The doctrine of '**Fair and Adequate**'

# **5.0 FAIR AND ADEQUATE COMPENSATION**

## **6.0 LAWS GOVERNING COMPULSORY LAND ACQUISITION AND COMPENSATION IN TANZANIA**

The Compulsory Land Acquisition Act No.  
47 of 1967

- ❖ Presidents Powers to acquire land for public purpose

## **6.0 LAWS GOVERNING COMPULSORY LAND ACQUISITION AND COMPENSATION IN TANZANIA- cont.**

Public Purpose for which land can be compulsorily acquired

- Exclusive Government use,
- Sanitary improvements
- Laying out of any new townships
- Extension or improvement of existing townships
- Development of any Air field, Port or Harbour
- Mining for Minerals or Oil
- Use by the community or a corporation within the community
- Construction of any works which in his opinion deem to be of public interest and public purpose

## **6.0 LAWS GOVERNING COMPULSORY LAND ACQUISITION AND COMPENSATION IN TANZANIA- Cont.**

### **Restrictions to compensation under the land Acquisition Act, No. 47 of 1967**

- That no compensation shall be payable in respect of vacant land
- In the case of inadequately developed land
- Compensation for land used for any purpose

# **6.0 LAWS GOVERNING COMPULSORY LAND ACQUISITION AND COMPENSATION IN TANZANIA- Cont.**

**Disputes on Compensation**

**Assessment of Compensation under the Land  
Acquisition Act**

# **6.0 LAWS GOVERNING COMPULSORY LAND ACQUISITION AND COMPENSATION IN TANZANIA-Cont**

**The land Act No. 4 of 1999**

- **Provision for Compensation to be paid**

## **6.0 LAWS GOVERNING COMPULSORY LAND ACQUISITION AND COMPENSATION IN TANZANIA- Cont**

**Procedures and Considerations to be taken into account when assessing compensation under the Land Act, 1999**

- **Value un-exhausted improvements**
- **Accommodation Allowance**
- **Loss of profits (Section 9)**
- **Disturbance (Section 10)**
- **Transport allowance (Section 11)**
- **Interest on delayed payments**

# **7.0 EQUITABLE ISSUES IN COMPULSORY LAND ACQUISITION AND COMPENSATION UNDER THE LAND ACQUISITION ACT 1967 AND THE LAND ACT 1999**

## **Most salient issues**

- **Presence of two operational legislations with several conflicting provisions**
  - Payment of Interest for Delayed Compensation Payment
  - Restriction of Compensation to Developed land only
  - Definition of what constitutes compensatable development

# **7.0 EQUITABLE ISSUES IN COMPULSORY LAND ACQUISITION AND COMPENSATION UNDER THE LAND ACQUISITION ACT 1967 AND THE LAND ACT 1999 - Cont.**

**Salient issues cont.**

- **The need for valuation for compensation to be verified by the Chief Valuer**
- **Qualifications of valuers carrying out valuations for compensation assessment**
- **Delays in processing compensation schedules and payment of compensation**
- **What is public purpose**
- **Non compensatable intangible losses arising out of land acquisition**

# **8.0 CONCLUSIONS**

# **7.0 EQUITABLE ISSUES IN COMPULSORY LAND ACQUISITION AND COMPENSATION UNDER THE LAND ACQUISITION ACT 1967 AND THE LAND ACT 1999 - Cont.**

**Salient issues cont.**

- **Transport Allowance Limited to a distance of 20 kilometres**
- **Valuation for compensation by reference to the crop compensation schedule**
- **Inadequate compensation**
- **Vacant Land in Rural Areas and the case of Nomadic Pastoralists**
- **Resettlement Issues**