

**THE PROFESSIONAL SURVEYORS (REGISTRATION) ACT,
1977**

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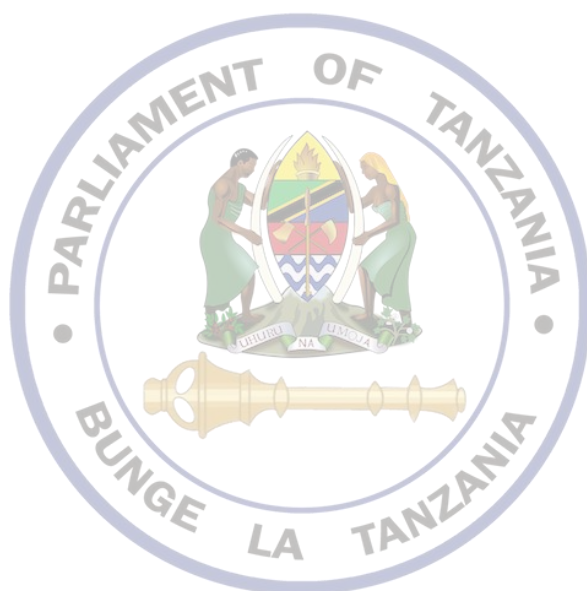
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THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1977

ASSENT,

Julius K. Nyerere
President

17th FEBRUARY, 1977

An Act to provide for the registration of professional surveyors, the establishment of a National Council to regulate the standards of conduct and activities of professional surveyors and for matters connected with the practice of the profession of land surveying and land economy

[_____]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Professional Surveyors (Registration) Act, 1977 and shall come into operation on such date as the and Minister may, by notice in the Gazette, appoint.

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

"Council" means the National Council of Professional Surveyors established by section 3;

"diploma" means any certificate, testimonial, licence, authority to practise or other document known by any other name or description granted by any university, college, corporation or other body, or by any department of, or Person acting under the authority of the Government of any country as evidence-

- (i) of the membership or fellowship of the holder of any body of persons engaged in or entitled to practise the profession of land surveying and land economy; or
- (ii) that the holder has knowledge of, and skill in, the practice of the profession of land surveying and land economy, or
- (iii) of the attainment by the holder of professional academic qualifications relating to the profession of land surveying and land economy;

Short title
and
commence-
ment
Interpreta-
tion

"Minister " means the Minister for the time being responsible for matters relating to land development;

"professional surveyor" means a person trained, qualified or possessing adequate skill and experience to enable him to practise the art of-

- (a) examining the accounts, condition, situation, durability, tenure or other interest in, or properties of, an estate, a building, or other structure, or real property, and estimating, appraising or determining the value thereof for the purposes of the management, sale, purchase, investment, mortgage, insurance of planning or forecasting its future use or development; or
- (b) studying in detail, and applying precise measurements and other data to, a portion of the surface of the earth and determining, by linear measurements, its form, extent, contour surface and situation for the purposes of-
 - (i) delineating property boundaries and compiling data for the registration of title to land;
 - (ii) providing control systems for mapping;
 - (iii) portraying on a map the physical features of the earth or a part thereof;
 - (iv) producing data for plans required for construction activities; or
 - (v) portraying statistical and other data on specialist maps.

"register" means the register of professional surveyors maintained by the Council for the purposes of this Act;

"Secretary" means the Secretary to the Council appointed under section 7.

PART 11

ESTABLISHED OF COUNCIL AND PROVISIONS RELATING TO REGISTRATION OF PROFESSIONAL SURVEYORS

Establishment of Council

13. There is hereby established a Council to be known as the National Council of Professional Surveyors which shall be responsible for regulating the standards of conduct and activities of professional surveyors in accordance with the functions and powers conferred upon it by this Act.

Compositions of Council
tenure of office of members, etc

- 4,-(1) The Council shall consist of not less than six and not more than eight members and the Minister shall nominate as its chairman one of the members appointed by him under subsection (2) (a).
- (2) The members shall be: -
- (a) three registered professional surveyors in the service of the Government, appointed by the Minister;
 - (b) three registered professional surveyors not being in the service of the Government, appointed by the Minister and

(c) not more than two other persons. appointed by the Minister:
provided that the first persons to be appointed under Paragraphs
(a) and (b) shall be persons who, in the opinion of the, Minister, are
qualified for registration under section 9 (1).

(3) A member shall hold office for such period as may be specified
in the instrument of his appointment, or if no such period is -specified.
for a period of three Years from the date of his appointment and shall
be eligible for reappointment

(4) The office of a member shall become vacant if-

- (a) his appointment as revoked; or
- (b) he resigns; Or
- (c) he dies.

(5) A member may resign by giving notice in writing to the
Minister, and from the date specified in the notice, or if no date is
specified, from the date of the receipt of the notice by the Minister,
he shall cease to be a member.

(6) The procedure of the Council shall be as may be prescribed
by regulations made under section 27.

5. Subject to the provisions of this Act, the functions of the Council
shall be--

- (a) to keep and maintain a register for the registration of professional
surveyors in accordance with the provisions, of this Act;
- (b) to consider and decide upon applications for registration of
professional surveyors;
- (c) to regulate the standards of conduct and activities of Professional
surveyors and the practice of the profession of land surveying and
land economy;
- (d) to promote interest in, and the advancement of, the profession
of land surveying and land economy;
- (e) to provide opportunities or facilities for the study of and
training in land surveying and land economy, and to promote
the development of research and the application of technical
information relating to land surveying and land economy;
- (f) to evaluate academic and Practical qualifications for the purposes
of registration of professional surveyors under this Act;
- (g) to foster co-operation among professional surveyors and between
the Council and other institutions or organizations whether or
not concerned with The profession of land surveying and land
economy;
- (h) to offer to the Government and to other national institutions
technical advice on matter relating to land surveying and land
economy;
- (i) to assist members. of, the, public in matter touching upon, an-
cillary or incidental or conducive to the practice of the profession
of land surveying and land economy.

Functions of
Council

	(j) to carry out such other functions as may be, conferred upon the Council by any written law or, as we incidental to the performance of its functions under this Act.
Powers of Council to cancel or suspend registration	<p>6. The Council may, after due inquiry and upon such grounds as may be prescribed by regulations made under section 27, cancel or Suspend the registration of a professional surveyor:</p> <p>Provided that every inquiry conducted by the Council under this such additional requirements relating to the acquisition of practical reasonable opportunity of answering all allegations made against him</p>
Appointment functions of Secretary	<p>7.(1) The Minister shall appoint a public officer to be the Secretary to the Council.</p> <p>(2) The Secretary shall perform the duties prescribed in relation to his office under this Act and shall perform such functions as may, from time to time, be specified by the Minister or the Council.</p>
Register of professional surveyors	<p>8.(1) As soon as practicable after the Council has accepted any Person for registration as a professional surveyor, the Secretary shall enter in the register in respect of that person the following particulars-</p> <ul style="list-style-type: none"> (a) his name and address; (b) the date of registration; (c) his qualifications and the status of his registration; and (d) such other particulars as the Council may, from time to time direct. <p>(2) All changes in the particulars registered under subsection (1) shall be entered. in the register by the Secretary.</p> <p>(3) The Secretary may, with the general or Specific approval Of the Council, rectify any clerical errors in the register or other document on-taining extracts from the register.</p>
Qualifications for registration	<p>9.(1) Subject to any regulations made under 'section 27 providing for the suspension or cancellation of the registration of a professional surveyor, a person shall be entitled, on making an application to the Council in the prescribed manner, to be registered under this section and to offer his services for profit or gain if he is--</p> <ul style="list-style-type: none"> (a) the holder of a diploma which is recognized for the time being by the Council as furnishing a sufficient guarantee that he has academic, knowledge of, skill and practical experience in, land surveying and land economy; or (b) a person who has after obtaining the diploma, complied with such additional requirements relating to the acquisition of practical experience as the Minister may, after consultation with the Council. prescribe by regulations made under section 27. <p>(2) The Council may require an applicant for registration under this section to satisfy it that his professional and general conduct renders him a fit and proper person to be registered.</p>

10.-(1) Subject to any regulations made under section 27 providing for the suspension or cancellation of the registration of a professional surveyor, any person who is not entitled to be-registered by reason only of the fact that he has not complied with, the additional, requirements referred to in section 9 (1)- (b) shall, if upon application in the prescribed manner, he satisfies the Council that he has, secured an offer for employment or training in the public service or by a person or persons approved by the Council for the purposes of complying with the additional requirements, be entitled to be registered under this section.

Provisional
registration

(2) A person, registered, under this section shall be deemed to be registered as far as is necessary to enable him to be employed or trained for the purposes stated in subsection (1) and while so employed or being trained, but not otherwise, may carry out the duties and responsibilities, exercise the rights and enjoy the privileges of registered professional surveyor.

(3) The registration of a person under this section shall cease to have effect upon his being registered under section 9

11.-(1) Where a person satisfies the Council:

- (a) that he is not ordinarily resident in Tanganyika;
- (b) that he is or intends to be employed in Tanganyika in the capacity of a professional surveyor for the express purpose of carrying out a specific assignment for which he has been engaged; and
- (c) that he is, or immediately before entering Tanganyika, practicing as a professional surveyor and, that he is eligible for registration under section 9,

Temporary
registration

the Council may, if it is satisfied that his professional and general conduct renders him a fit and proper person to be registered, direct that he be registered under this section for the duration of the specific assignment or for such period as the Council may specify.

(2) The Council may require an applicant for registration under this section to appear before it or produce document relating to his work or employment.

(3) Registration of a person under this section shall, continue only while he is engaged on the specific assignment or for the period specified by the Council and on his ceasing to be so engaged or on the expiry of the period, his registration shall cease to have effect. In case of doubt as to the cessation of his engagement on the specified assignment or as to expiry of, the period specified by the council the decision of the council thereon shall be final.

(4) A professional surveyor registered under this section shall, in relation to the duration of the specific assignment or the period specified by the council and to things done in the course of such, assignment, be treated as registered under section 9, -but in relation to other things shall be treated as not so registered

Designation upon registration	<p>12. Every professional surveyor shall, so long as the validity of his registration subsists, be entitled to be addressed as, and to adopt and use the style and title--</p> <p>(a) in the case of a professional surveyor registered under section 9 "Fully Registered Surveyor ,</p> <p>(b) In the case of a professional surveyor registered under section 10, "Provisionally Registered surveyor";</p> <p>(c) in the case of a professional surveyor registered under section 11, "Temporarily Registered Surveyor".</p> <p>or such contraction of such style and title as the Council may approve.</p>
Publication of registered particulars and lists of professional surveyors	<p>13.-(1) The Secretary shall cause to be published in the <i>Gazette</i>, as soon as may be practicable after registration, the particulars entered in the register in respect of each professional surveyor and, subject to the directions of the Council, may cause to be so published any amendment or deletion of the particulars in the register.</p> <p>(2) The Secretary shall cause to be published in the <i>Gazette</i>, at least once in each year, a list containing the particulars entered in the register in respect of all professional surveyors remaining on the register at the close of the previous year.</p>
Publication prima facie evidence of registration	<p>14.-(1) A publication under section 13 shall, be <i>prima facie</i> evidence that persons named therein are registered under this Act, and the deletion from the register of the name of any person notified by such publication, or the absence of the name of any person from such publication, shall be <i>prima facie</i> evidence that such person is not so registered or that the validity of his registration has ceased to have effect.</p> <p>(2) The register, lists and all copies thereof or extracts therefrom which purport to have been certified under the hand of the Secretary shall be receivable in all courts and tribunals or other bodies authorized to receive evidence as <i>prima facie</i> evidence of the facts stated therein.</p>
Secretary may call for information	<p>15. The Secretary shall, if instructed by the Council, request a registered professional surveyor, by a registered letter sent to his last known address, to furnish any such information relating to his practice as a professional surveyor as the Council, may require.</p>

PART III

APPEALS

Appeals Authority	<p>16.-(1) There is hereby established an Appeals Authority which shall hear and determine appeals against decisions of the Council relating to registration of professional surveyors.</p> <p>(2) The Appeals Authority shall consist of-</p> <p>(a) a Chairman, who shall be appointed by the Minister</p> <p>(b) a legally qualified person holding office in, the Attorney-General's Chambers, nominated in that behalf by the Attorney-General, who shall be the Vice-Chairman;</p> <p>(c) not more than three other persons appointed by the Minister.</p>
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17.-() Any person aggrieved by a decision of the Council in, respect of any matter relating to his registration under this Act May appeal to the Appeals Authority against the decision of the Council and in any such appeal the Appeals Authority may give such directions in the matter as it thinks necessary to do justice to the parties concerned.

Appeals
against
decisions of
council

(2) Any decision or, order contained. in any directions given by the Appeals Authority under this section shall be final and binding upon all parties concerned.

(3) The Council may appear as respondent and be heard on any appeal against its decision and, for the Purposes of enabling directions to be given as to the costs of the appeal. the Council shall be deemed to be a party thereto, whether or not it appears at the hearing of the appeal.

(4) The Minister may, by regulations made under section 27, provide for the making of appeals to the Appeals Authority, the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the Council of an appeal'.

PART IV

RESTRICTION ON ACTIVITIES OF SURVEYORS

18.-() After the expiration of six months from the date of the commencement of this Act, or such further period as may be allowed by the Minister under subsection (2), any person who, not being a registered professional surveyor-

Restriction
on use of
title and
claim to
qualification

- (a) falsely pretends (to be a professional surveyor; or
- (b) uses any of the styles and titles specified in section 12 or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that he is a professional surveyor; or
- (c) holds himself out, whether directly or by implication, to be a professional surveyor or entitled to practise or carry on business as a professional surveyor,

shall be guilty of an offence and shall be liable upon conviction to, a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) The Minister may, by notice in the *Gazette*, extend the period of six months provided for " subsection (1) for a further period not exceeding six months, either generally or in respect of any particular person or category of persons.

19.-() No body of persons whether corporate or unincorporated shall carry on business or practise as professional surveyors unless all its partners members or shareholders, as the case may be, are registered professional surveyors.

Bodies of
persons
operating as
professional
surveyors

(2) Where a shareholder, partner or member of a body of persons. whether corporate or unincorporated, carrying on business or practising as professional surveyors dies, the body of persons may, notwithstanding the provisions of subsection (1), continue to carry on business or

practise until such one as the administration of the estate of the deceased is completed, as if such legal representatives were registered professional surveyors.

(3) Nothing in this Act shall be construed as entitling any body of persons, whether corporate or unincorporated, to be registered as professional surveyors.

(4) Any body of persons which carries on business or practises as professional surveyors in contravention of this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifty thousand shillings.

Definition of carrying on business" or "practicing" as registered professional surveyor

20. For the purposes of this Act a person shall be deemed to be carrying on business a; practising as professional surveyor if, for a fee, "or reward or other valuable consideration, he offers or renders his services as a professional surveyor to any person, whether under a contract of service, a contract for services or under any other arrangements.

Offences relating to registration

21. Any person who-

- (a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register or any copy thereof; or
- (b) fraudulently procures or attempts to procure, whether for himself or for any other person, registration as a professional surveyor; or
- (c) knowingly or wilfully makes any statement which is false in a material particular, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Consent of D.P.P.

22. No person shall be prosecuted for an offence under this Act save with the consent of the Director of Public Prosecutions.

PART V

GENERAL PROVISIONS

23. No matter or thing done by any member of the Council the Secretary Or any Other Person empowered to perform any function under this Act shall, if done in good faith in the execution or purported execution of his functions under this Act, render the member, the Secretary or that person personally liable for the matter or thing in question.

Annual Report

24. The Council shall, at the end of each year, prepare a report of its activities during that year and submit it to the Minister.

Exemption

25. The Minister may, by order in the Gazette, exempt any person or category of persons from all or any of the provisions of this Act

26.-(1) The council may, with the consent of the Minister, make by-laws, for the better carrying out of its functions, under this Act, and, without prejudice to the generality of the foregoing, may by such by laws-

By- laws by council

- (a) prescribe diplomas which shall be recognized as entitling the holder to registration under this Act;
- (b) prescribe ethics for the, practice of the profession, of land surveying and land economy;
- (c) Prescribe rules to regulate the standards of professional conduct of surveyors;
- (d) provide for and regulate the manner of giving assistance to members of the public on matters touching upon, ancillary or incidental to, the practice of the profession of -land surveying and land economy;
- (e) prescribe anything which, in the opinion of the Council, is incidental or conducive to the exercise of its functions and powers under this Act.

(2) By-laws made by the Council under this section shall be published in the *Gazette*.

27. The Minister may make regulations generally for the better carrying out of the purposes and provisions of this Act and, without prejudice to the generality Of the foregoing, may in any such regulations-

Regulations by Minister

- (a) prescribe the forms, the manner, the procedure and the fees payable in respect of applications for registration or, as the case may be, restoration to the register of the name of a professional surveyor previously deleted from the register;
- (b) prescribe, after consultation with the council, the additional requirements relating to experience referred to in section 9 (1) (b);
- (c) prescribe the procedure for the conduct of the business of the Council and the procedure to be followed by the Council in any inquiry under this Act;
- (d) provide for the appointment by the council amongst its members of committees and the co-option of persons thereto;
- (e) provide for the duties, of the Secretary;
- (f) prescribe the grounds for cancellation or suspension of the registration of professional surveyors;
- (g) make provision relating to appeals to the Appeals Authority in respect of the matters specified in section 17(4);
- (h) "Prescribe, anything which, is permitted, or required, by 'this' Act to be prescribed

Policy
guidelines
for the
practice
of the
profession of
land surveying
and land
economy

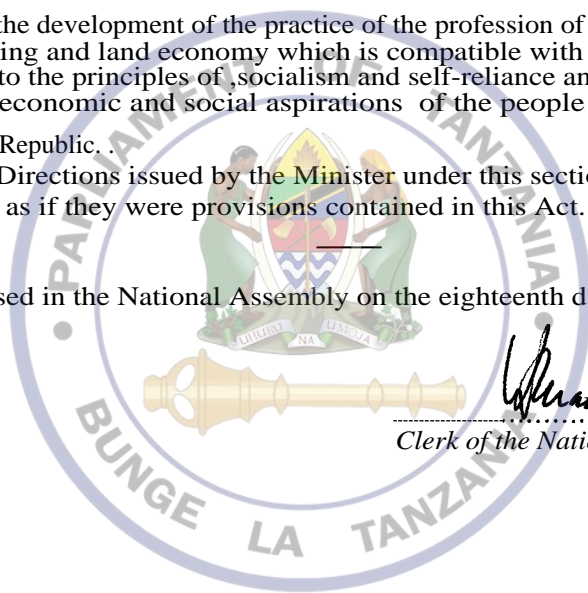
28.-(1) Subject to any written law for the time being in force relating to land surveying and land economy, the Minister may, by directions published in the *Gazette*, require that the Council or any registered professional surveyor or category of registered surveyors in the exercise of its functions under this Act or in carrying on the business of a professional surveyor the Council or, as the case may be, the surveyor or surveyors shall take into account such factors as the Minister may prescribe for the protection or advancement of the public interest.

(2) Without prejudice to the generality of subsection (1), the Minister may prescribe factors designed to promote-

- (a) the evolution of a system, of land surveying and land economy which accords with the policy pursued by the United Republic in matter relating to land utilisation and other transactions affecting land;
- (b) the development of the practice of the profession of land' surveying and land economy which is compatible with and conforms to the principles of socialism and self-reliance and the political economic and social aspirations of the people of the United Republic.

(3) Directions issued by the Minister under this section shall have effect as if they were provisions contained in this Act.

Passed in the National Assembly on the eighteenth day of January, 1977.



[Signature]
Clerk of the National Assembly

**SHERIA YA KUANDIKISHA WAPIMA ARDHI YA MWAKA
1977**

YALIYOMO

SEHEMU YA KWANZA

UTANGULIZI

Fungu

Kichwa cha Habari

1. Jina la Sheria na tarehe ya kuanza kutumika.
2. Ufafanuzi.

SEHEMU YA PILI

KUANZISHWA KWA HALMASHAURI NA MASHARTI KUHUSU UANDIKISHAJI
WA WAPIMA ARDHI

3. Kuanzishwa kwa Halimashauri.
4. Muundo wa Halmashauri, muda wa wajumbe wa kushika madaraka, n.k.
5. Kazi za Halimshauri.
6. Uwezo wa Halmashauri wa kumsimamisha kazi au kumfuta mpima ardhi.
7. Uteuzi wa Katibu na kazi zake.
8. Daftari la orodha ya wapima ardhi.
9. Masharti ya uandikishaji.
10. Uandikishaji kwa ajili ya kupata mazoezi ya kazi
11. Uandikishaji wa muda.
12. Haki za mpima ardhi aliyeandikishwa.
13. Utangazaji wa mambo yaliyoandikishwa na orodha za wapima ardhi.
14. Utangazaji ni ushahidi wa uandikishaji.
15. Katibu aweza kuagiza apatiwe maelezo.

SEHEMU YA TATU

RUFAA

16. Baraza la Rufaa.
17. Rufaa za kupinga uamuzi wa Halmashauri.

Fungu

Kichwa cha Habari

SEHEMU YA NNE

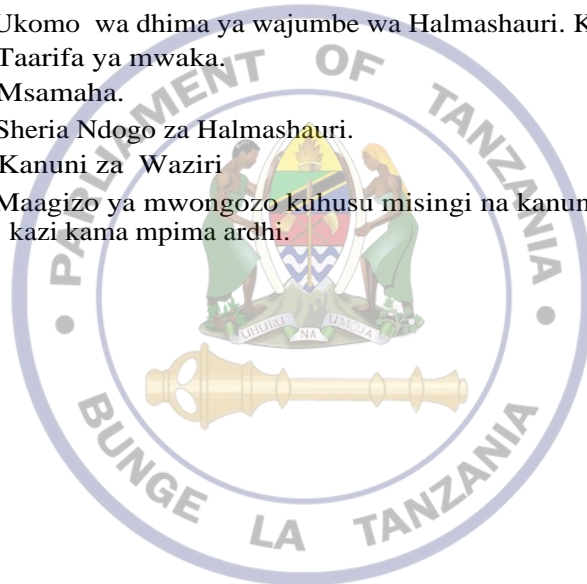
USIMAMIZI JUU YA SHUGHULI ZA WAPIMA ARDHI

18. Masharti ya kufanya kazi kama mpima ardhi
19. Mashirika yanayofanya kazi kama wapima ardhi.
20. Tafsiri ya "kufanya kazi kama mpima ardhi".
21. Makosa yanayohusika na uandikishali.
22. Kibali cha Mkurugenzi wa Mashtaka.

SEHEMU YA TANO

MASHARTI MENGINEYO

23. Ukomo wa dhima ya wajumbe wa Halmashauri. Katibu. n.k.
24. Taarifa ya mwaka.
25. Msamaha.
26. Sheria Ndogo za Halmashauri.
27. Kanuni za Waziri
28. Maagizo ya mwongozo kuhusu misingi na kanuni za kufanya kazi kama mpima ardhi.



JAMHURI YA MUUNGANO WA TANZANIA



NA. 2 YA 1977

ASSENT,

Julius K. Nyerere
President

17TH FEBRUARI, 1977

Sheria ya kuandikisha wapima ardhi, kuanzisha Halmashauri ya Taifa ya Wapima Ardhi ya kusimamia tabia na mwenendo wa wapima ardhi na kwa ajili ya mambo mengine yanayohusika na taaluma ya kupima, kuthamini na kuendeleza ardhi

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA

UTANGULIZI

1. Sheria hii iitwe Sheria ya Kuandikisha Wapima Ardhi, ya mwaka 1977 na itaanza kutumika siku ambayo Waziri ataitaja kwa kutoa taarifa itakayochapishwa katika *Gazeti la Serikali*.

2. Katika Sheria hii, ila iwapo maelezo yahitaji vinginevyo--
"Halmashauri" maana, yake ni Halmshauri ya Taifa ya Wapima Ardhi iliyoanzishwa na fungu la 3;
"shahada" maana yake ni cheti, kitambulisho, leseni, hati ya idhini ya kufanya kazi au hati nyingineyo yoyote inayojulikana kwa jina lolote ambayo imetolewa na chuo kikuu, chuo, shirika au idara, ya Serikali au utumishi wa Serikari ya, nchi yoyote ambayo inathibitisha-

- (i) kwamba huyo mwenye shahada ni mwanachama wa shirika la watu wanaofanya kazi ya kupima, kuthamini na kuendeleza, ardhi au wana haki ya kufanya kazi hiyo kwa mujibu wa sheria; au
- (ii) kwamba huyo mwenye shahada ana elimu na ujuzi kuhusu utendaji wa kazi ya kupima, kuthamini na kuendeleza ardhi- au
- (iii) kwamba huyo mwenye shahada amehitimu chuoni katika taaluma ya kupima, kuthamini na kuendeleza ardhi;

Jina la
Sheria na
tarehe ya
kuanza
kutumika
Ufafanuzi

"Waziri" maana yake ni Waziri mwenye dhamana, ya. mambo yanayohusika na kuendeleza ardhi,

"mpima ardhi" maana yake ni mtu aliyehitimu baada. ya mafunzo na, mazoezi akapata. elimu, maarifa na ujuzi kiasi cha, kumwezesha kutekeleza fani ya-

(a) kukagua hesabu zinazohusika na. matumizi ya ardhi, kukagua hali na. ubora, wa; ardhi au haki ya kumiliki ardhi au majengo, na kukadiria au kupima thamani ya ardhi kwa ajili ya kuandaa matumizi bora, uuzaji, ununuzi, uwekaji wa. rehani, bima. au utayarishaji wa mipango ya kuendeleza ardhi; au

(b) kuchunguza na kutumia, vipimo maalum vya kupimia sehemu yoyote ya. nchi na. kupima hali na, ubora wa ardhi, eneo lake na mambo mengineyo kwa ajili ya-

(i) kuweka mipaka. na mambo mengineyo yanayohitajika kwa. madhumuni ya. kuandikisha haki ya, kumiliki ardhi;

(ii) kufanya, maandalio ya, upimaji na uchoraji wa ramani;

(iii) kuonyesha kwenye ramani umbile na hali ya sehemu yoyote ya, nchi,.

(iv) kutayarisha. habari na. taaria zinazohitajika kwa, ajili ya ramani za majengo na shughuli za ujenzi kwa jumla;

(v) kuonyesha kwenye ramani. takwimu na mambo mengineyo maalum, na,

maana, ya maneno hayo ifahamike kuwa itatumika pia kwa yeyote anayefanya kazi kama, mthamini wa ardhi na. mtaalam wa uchumi katika shughuli za kuendeleza ardhi;

"daftari" maana yake ni daftari la wapima ardhi litakalowekwa na Halmashauri kwa madhumuni ya Sheria hii;

"Katibu" maana yake ni Katibu wa Halmashauri aliyeteuliwa kwa mujibu wa fungu la, 7.

SEHEMU YA PILI

KUANZISWA KWA HALMASHAURI NA MASHARTI KUHUSU UANDIKISHAJI WA WIPIMA ARDHI

Kuanzishwa kwa Halmashauri

3. Sheria hii inaanzisha Halmashauri ambayo itaitwa Halmashauri ya Taifa ya Wapima. Ardhi nayo itakuwa na mamlaka ya kusimamia, kwa mujibu wa, Sheria, hii, tabia ya. wapima ardhi pamoja na mwenendo katika. utendaji wa. kazi zinazohusika na taaluma. yao.

Muundo wa Halmashauri, muda wa wajumbe wa kushika madaraka. n.k.

4,(1) Halmashauri itakuwa na wajumbe wasiopungua sita wala, kuzidi wanane na Waziri atamteua mwenyekiti kutoka. miongoni mwa wajumbe atakaowatena, kwa mujibu wa kifungu cha 2 (a).

(2) Wajumbe watakuwa-

(a) wapima ardhi walioandikishwa watatu ambao ni watumishi wa Serikali. watakaoteuliwa na Waziri;

- (b) wapima ardhi walioandikishwa watatu ambao si watumishi wa Serikali, watakaoteuliwa na Waziri; na,
- (c) watu wengine wasiozidi wawili watakaoteuliwa na Waziri.;

Isipokuwa kwamba watu wa kwanza watakaoteuliwa kwa mujibu wa fasili ya (a) na (b) itabidi wawe watu ambao Waziri anaona wanastahili kuandikishwa kwa mujibu wa fungu la 9 (1).

(3) Mjumbe atashika madaraka kwa muda ule utakaotajwa wakati atakapoteuliwa, au kama muda huo hautatajwa, basi kwa muda wa miaka mitatu tangu siku ile atakapoteuliwa na muda huo ukimalizika aweza kuteuliwa tena.

- (4) Nafasi ya mjumbe itakuwa wazi ikiwa-
 - (a) mjumbe Ataondolewa katika madaraka kwa kufuta uteuzi wake; au
 - (b) mjumbe atajiuzulu; au
 - (c) mjumbe atafariki.

(5) Mjumbe aweza kujiuzulu kwa kutoa taarifa kwa maandishi kwa Waziri, na tangu siku ile iliyotajwa kwa ajili hiyo katika hiyo taarifa, au kama hakuna siku maalum iliyotajwa, basi kuanzia siku ile taarifa hiyo ya kujiuzulu itakapotolewa na Waziri huyo mjumbe atakoma kuwa mjumbe.

5. Bila ya kuathiri masharti mengineyo ya Sheria hii. kazi za Halma. shauri zitakuwa-

- (a) kuweka daftari kwa ajili ya kuandikisha wapima ardhi kwa mujibu wa masharti ya Sheria hii;
- (b) kufikiria maombi ya kutaka kuandikishwa kama mpima ardhi na kupitisha, uamuzi wake;
- (c) kusimamia tabia ya wapima ardhi pamoja na mwenendo wao katika utendaji wa shughuli zao zinazohusika na taaluma ya kupima, kuthamini na kuendeleza ardhi.
- (d) kuneza na kukuza taaluma ya kupima, kuthamini na kuendeleza ardhi-
- (e) kutoa nafasi au vifaa kwa ajili ya mafunzo kuhusu taaluma ya kupima, kuthamini na kuendeleza ardhi, na kuhimiza utafiti na matumizi ya elimu itokanayo na shughuli za utafiti katika kukuza taaluma ya kupima, kuthamini na kuendeleza ardhi;
- (f) kupima viwango vya elimu, maarifa na ujuzi vinavyohitajika kwa ajili ya kutimiza masharti ya kuandikishwa kwa mtu yeyote kama mpima ardhi kwa mujibu wa Sheria hii;

- (g) kustawisha ushirikiano miongoni mwa wapima ardhi na kati ya Halmashauri na vyombo vingine au mashirika mengine, bila ya kujali kama watu waliomo katika vyombo hivyo au mashirika hayo wanashughulika na kazi ya kupima, kuthamini na kuendeleza ardhi au sivyo;
- (h) kutoa ushauri wa kitaalamu kwa Serikali na vyombo vingine vya Umma juu ya mambo yanayohusika na kazi ya kupima, kuthamini na kuendeleza ardhi;
- (i) kuwasaidia wananchi katika kutekeleza masilahi yao yanayotokana au kuhusika na shughuli za kupima, kuthamini na kuendeleza ardhi;
- (j) kutekeleza madaraka mengineyo yoyote yatakayotolewa kwa Halmashauri na Sheria nyingine yoyote au kutekeleza shughuli zozote zitakazoonekana zinafaa kwa ajili ya utendaji bora wa kazi za Halmashauri kwa mujibu wa Sheria hii.

Uwezo wa Halmashauri wa kumsimamisha kazi au kumfuta mpima ardhi

6. Halmashauri yaweza, baada ya kufanya uchunguzi madhubuti na kwa kufuata masharti yatakayokuwemo katika Kanuni zitakazowekwa kwa mujibu wa fungu la 27, kumsimamisha kazi au kumfuta kabisa mpima ardhi;

Isipokuwa kwamba kila mara Halmashauri itakapofanya uchunguzi kwa mujibu wa fungu hili itabidi impe huyo mpima ardhi anayehusika nafasi ya kutosha ya kujieleza kuhusu lawama zote zitakazotolewa juu yake.

Uteuzi wa Katibu na kazi zake

7.-(1) Waziri atamteua mtumishi wa Umma kuwa Katibu wa Halmashauri.

(2) Katibu atatekeleza kazi anazohusika nazo zilizotajwa katika Sheria hii na pia atatekeleza shughuli nyingine zote atakazoagizwa mara kwa mara na Waziri au Halmashauri

Daftari la orodha ya wapima ardhi

8.-(1) Mapema iwezekanavyo baada ya Halmashauri kukubali kuandikisha mtu yeyote kama mpima, ardhi. Katibu ataandika katika daftari maelezo yafuatayo kuhusu kuhusu-

- (a) jina lake na anwani yake;
- (b) tarehe ya kuandikishwa kwake;
- (c) sifa zake zinazohusika na masharti ya kuandikishwa na maelezo yanayoonyesha kaina ameandikishwa kwa mujibu wa fungu lipi la Sheria hii;
- (d) maelezo mengine yoyote yatatakayo takiwa mara kwa mara na Halmashauri.

(2) Katibu ataandika katika daftari mabadiliko yoyote yatakayofanywa kuhusu maelezo yaliyoandikishwa kwa mujibu wa kifungu cha (1).

(3) Katibu aweza, kwa idhini ya Halmashauri, kusahihisha makosa yoyote yaliyomo katika daftari au hati nyingine yoyote yenye nakala ya maelezo yaliyomo kwenye daftari.

9.-(1) Bila ya kuathiri masharti yoyote yatayokuwamo kwenye Kanuni zitakazowekwa kwa mujibu wa fungu la 27 kuhusu utaratibu wa kumsimamisha kazi mpima ardhi au kumfuta kabisa, mtu atakuwa na haki ya kuandikishwa kwa mujibu wa fungu hili, na kutoa huduma kwa malipo kama mpima ardhi ikiwa mtu huyo amepeleka maombi ya kutaka kuandikishwa na iwapo mtu huyo--

- (a) ana shahada ambayo inatambuliwa na Halmashauri kuwa ni ushahidi thabiti kwamba ana elimu, maarifa na ujuzi kiasi cha kumwezesha kutekeleza fani ya kupima, kuthamini na kuendeleza ardhi; au
- (b) baada ya kupata shahada yake, amechukua hatua za kujipatia maarifa na mazoezi ya kazi kufuatana na masharti yoyote yaliyomo kwenye Kanuni zilizowekwa na Waziri, baada ya kushauriana na Halmashauri, kwa mujibu wa fungu la 27.

(2) Halmashauri yaweza kumtaka mtu yoyote aliyepeleka maombi ya kutaka kuandikishwa kwa mujibu wa fungu hili airidishe Halmashauri kwamba tabia yake kwa jumla na pia mwenendo wake katika utendaji wa kazi zake za kitaalamu ni bora na kwamba anastahili kuandikishwa.

10.-(1) Bila ya kuathiri masharti yoyote yatakayokuwemo kwenye Kanuni zitakazowekwa kwa mujibu wa fungu la 27 kuhusu waratibu wa kumsimamisha kazi mpima ardhi au kumfuta kabisa, mtu yeyote ambaye hana haki ya kuandikishwa kwa sababu moja tu kwamba baada ya kupata shahada yake hakuwahi kujipatia maarifa na mazoezi ya kazi kufuatana na masharti yaliyotajwa katika fungu la 9 (1) (b). atakuwa na haki ya kuandikishwa kwa mujibu wa fungu hili baada ya kupoleka rasmi maombi yake na kuiridhisha Halmashauri kuwa amepata nafasi ya kuajiriwa au mafunzo katika utumishi wa Umma au kwa watu au shirika la watu waliokubaliwa na Halmashauri kwa ajili ya kumwezesha kupata hayo maarifa na mazoezi ya kazi.

(2) Mtu aliyandikishwa kwa mujibu wa fungu hili atahesabiwa kuwa ana uwezo kamili wa kutekeleza shughuli zake zote za kitaalamu kwa muda wote atakapokuwa ameajiriwa au atakapokuwa anapata mafunzo kwa namna ilivyoolezwa katika kifungu cha (1), na katika muda huo atastahili kutumia, haki zote na kufaidi masilahi yote ya mpima, ardhi aliyeandikishwa, lakini hatakuwa na haki ya kutumia haki yoyote au kufaidi masilahi yoyote ambayo hayaambatani na kuajiliwa kwake au mafunzo yake kwa ajili ya, kujipatia maarifa na, mazoezi ya kazi.

(3) Mara tu mtu atakapoandikishwa kwa mujibu wa fungu la 9 kuandikishwa kwake kwa mujibu wa fungu hili kutakoma kuwa na nguvu ya kisheria na hakutatambuliwa tena.

11.-(1) Iwapo mtu atairidhisha Halmashauri-

- (a) kwamba haishi Tanganyika;
- (b) kwamba ameajiriwa au anakusudia kuajiriwa Tanganyika kama mpima ardhi kwa madhumuni ya kutekeleza mkataba maalum wa kuajiriwa-. na

Uandikishaji
wa muda

(c) kwamba wakati huo anapotoa maombi yake ya kutaka kuandikishwa anafanya kazi kama, mpima, ardhi au kwamba kabla hajafika Tanganyika alikuwa anafanya kazi kama mpima ardhi na kwamba anastahili kuandikishwa kwa mujibu wa, fungu la 9, basi Halmshauri yaweza, ikiridhika kuwa tabia yake kwa jumla na mwenendo wake katika utendaji wa kazi za kitaalamu ni bora na kwamba anastahili kuandikishwa, kuagiza kuwa aandikishwe kwa mujibu wa, fungu bili kwa muda wote atakapokuwa anatekeleza huo mkataba maalum wa kuajiriwa au kwa muda wowote mwingine utakaotajwa na Halmashauri.

(2) Halmashauri yaweza, kumtaka mtu yeyote aliyepeleka maombi ya kutaka kuandikishwa kwa mujibu wa fungu hili afike mbele ya Halmashauri kwa ajili ya kuhojiwa au awasilishe hati zinazohusika na, kazi zake -au mkataba wake wa kuajiriwa kama mpima ardhi.

(3) Kuandikishwa, kwa, mtu kwa mujibu, wa, fungu hili kutakuwa na nguvu ya kisheria, na, kutatambuliwa, kwa muda, ule tu wa mkataba maalum wa, kuajiriwa au muda ule mwingine uliotajwa na Halmashauri na mara tu muda huo utakapomalizika au akikoma kuajiliwa kwa huo mkataba maalum kuandikishwa kwake hakutakuwa na nguvu ya kisheria, na, hakutatambuliwa tena. Iwapo kuna mashaka, yoyote, kuhusu kumalizika kwa muda uliotajwa, na, Halmashauri au kumalizika kwa, wajibu wake wa kutekeleza, huo mkataba maalum wa kuajiriwa, basi uamuzi wa Halmashauri juu ya suala hilo utakuwa wa mwisho.

(4) Mpima ardhi aliyeandikishwa kwa mujibu wa fungu hili atahesabiwa kaina ameandikishwa kwa mujibu wa fungu la 9 kuhusu shughuli zote atakazotekeleza katika muda wote wa, huo mkataba maalum wa kuajiriwa au muda wote uliotajwa na, Halmashauri, lakini hatahesabiwa hivyo kuhusu shughuli nyingine zozote ambazo hazihusiani na huo mkataba maalum wa kuajiriwa.

Haki za mpima ardhi aliyeandikishwa

12. Kwa wakati wote ambapo kuandikishwa kwake kuna nguvu ya kisheria, na kunatambuliwa kila, mpima ardhi aliyeandikishwa atakuwa na, haki za kuitwa, mpima ardhi mtaalam na kutumia pamoja na jina lake maelezo ya kitaalam yafuatayo-

(a) kwa mpima ardhi aliyeandikishwa kwa mujibu wa fungu la 9, "Mpima Ardhi Aliyeandikishwa Kwa Ukamilifu"

(b) kwa mpima ardhi aliyeandikishwa kwa mujibu wa, fungu la. 10. "Mpima Ardhi Aliyeandikishwa Kwa Mazoezi";

(c) kwa mpima ardhi aliyeandikishwa, kwa, mujibu wa fungu la 11, "Mpima, Ardhi Aliyeandikishwa Kwa Muda"

au ufupisho wowote wa maelezo hayo utakaokubaliwa na Halmashauri.

Utangazaji wa mambo yaliyoandikishwa na orodha ya wapima ardhi

13.-(1) Mapema iwezekanavyo baada ya mpima ardhi kuandikishwa. Katibu atachapisha kwenye *Gazeti la Serikali* maelezo yaliyoandikwa katika daftari kuhusu kila mpima ardhi na, kwa kufuata maagizo yoyote yatakayotolewa na Halmashauri, aweza kuchapisha kwenye *Gazeti la Serikali* masahihisho au taarifa ya ufutaji wa maelezo yoyote yaliyoandikishwa katika daftari.

(2) Katibu atachapisha kwenye *Gazeti la Serikali*, angalau mara moja kila mwaka, orodha ya maelezo yote yaliyoandikwa katika daftari kuhusu wapima ardhi wote ambao majina yao yalikuwa bado yamo katika daftari mwishoni mwa mwaka uliopita.

14.-(1) Utangazaji wa maelezo yaliyoandikwa katika daftari kwa kuchapisha kwenye *Gazeti la Serikali* kwa mujibu wa fungu la 13 utakuwa ni ushahidi wa kutosha, isipokuwa kama imethibitishwa vinginevyo, kwamba watu waliotajwa katika taarifa hiyo wameandikishwa kwa mujibu wa Sheria hii, na iwapo taarifa iliyotangazwa hivyo itaonyesha kwamba jina la mtu yeyote limefutwa katika daftari, au iwapo jina la mtu yeyote halitakuwemo katika taarifa kama hiyo, basi hali hiyo ya jina kufutwa au kutokuwemo itakuwa m ushahidi wa kutosha, isipokuwa kama imethibitishwa vinginevyo, kwamba mwenye jina hilo hakuandikishwa au kwamba kuandikishwa kwake kumekoma kuwa na nguvu ya kisheria na hakutambuliwi, tena.

Utangazaji ni ushahidi wa uandikishaji

(2) Daftari, orodha na kila nakala ya maelezo yaliyomo katika daftari au orodha inayoonyesha kuwa imethibitishwa kwa sahihi ya Katibu itabidi ikubaliwe na mahakama zote na vyombo vingine vyote vyenye mamlaka ya kupokea ushahidi kwamba m ushahidi wa kutosha, isipokuwa kama imethibitishwa vinginevyo, kuwa maelezo yote yaliyomo katika hilo daftari au hiyo orodha au nakala ni ya kweli na sahihi.

15. Iwapo Katibu ataagizwa na Halmashauri kuchukua hatua kama hiyo, basi itambidi kumwomba mpima ardhi aliyeandikishwa yeyote, kwa kumpelekea barua ya rejesta akitumia anwani yake anayojijua, atoe maelezo yoyote yatakayotakiwa na Halmashauri kuhusu shughuli za huyo mpima ardhi.

Katibu aweza kuiagiza apatiwe maelezo

SEHEMU YA TATU

RUFAA

16.-(1) Sheria hii inaanzisha Baraza la Rufaa ambalo litasikiliiza na kuamua mashauri ya rufaa za kupinga uamuzi wowote wa Halmashauri unaohusika na uandikishaji wa wapima ardhi.

Baraza la Rufaa

(2) Baraza la Rufaa litakuwa na wajumbe wafuatao-

- (a) Mwenyekiti ambaye atateuliwa na Waziri;
- (b) mwanasheria aliyeajiriwa katika Ofisi ya Mwanasheria Mkuu wa Serikali, ambaye atateuliwa kuwa mjumbe na Mwanasheria Mkuu wa Serikali, naye atakuwa ndiye Makamu wa Mwenyekiti;
- (c) watu wengine wasiozidi watatu watakaoteuliwa na Waziri.

17.(1) mtu yeyote ambaye hataridhika na uamuzi wowote wa Halmashauri juu ya jambo lolote linalohusika na uandikishaji wake kwa mujibu wa Sheria hii aweza kukata rufaa mbele ya Baraza la Rufaa akipinga uamuzi huo na katika rufaa kama hiyo Baraza la Rufaa litakuwa na mamlaka ya kupitisha uamuzi na kutoa maagizo yoyote yanaoonekana yatatimiza haki kwa wote wanaohusika katika shauri hilo.

Rufaa za kupinga uamuzi wa Halmashauri

(2) Maagizo yote yatakayokuwemo katika uamuzi au amri ya Baraza la Rufaa yatakayotolewa kwa mujibu wa fungu hili yatakuwa ya mwisho na itabid yafuatwe na wote wanaohusika katika shauri hilo.

(3) Endapo kutakuwa na rufaa inayosikilizwa na Baraza la Rufaa ya kupinga uamuzi wa Halmashauri, basi Halmashauri yaweza kufika mbele ya Baraza la Rufaa, na kutoa maelezo yake juu ya shauri hilo na, kwa madhumuni ya kuliwezesha Baraza la Rufaa kutoa maagizo kuhusu nani atalipa gharama za shauri lililosikilizwa na Baraza, la Rufaa, Halmashauri itahesabiwa kama ni mmojawapo wa watu wanaohusika katika shauri hilo, na itahesabiwa hivyo bila kujali kama wakati shauri liliposikilizwa Halmashauri ilifika mbele ya Baraza la Rufaa au hapana.

(4) Waziri aweza kuweka Kanuni, kwa mujibu wa fungu la 27, za kueleza utaratibu wa kukata rufaa mbele ya Baraza la Rufaa, kutoa mamlaka kwa Baraza la Rufaa ya kupokea ushahidi zaidi katika shauri loloto linalosikilizwa, kutaja ada zitakazotozwa kwa ajili ya kukata rufaa na kueleza utaratibu wa kutoa taarifa kwa Halmashauri kuhusu rufaa zilizofikishwa mbele ya Baraza la Rufaa.

SEHEMU YA NNE

USIMAMIZI JUU YA SHUGHULI ZA WAPIMA ARDHI

Masharti ya kufanya kazi kama wapima ardhi

18.-(1) Baada ya kumalizika muda wa miezi sita tangu tarehe ya kuanza kutumika Sheria hii, au muda wowote wa nyongeza utakaotajwa na Waziri kwa mujibu wa kifungu cha (2), mtu yeyote ambaye hakuandikishwa kama mpima ardhi kwa mujibu wa Sheria hii-

- (a) atakayejidai kuwa mpima ardhi kwa maana iliyoelezwa katika Sheria hii; au
- (b) atakayejiita mpima ardhi mtaalamu na kutumia pamoja na jina lake maelezo ya kitaalamu yaliyotajwa katika fungu la 12 au atakayetumia jina, choo au maelezo ya kitaalamu ya namna nyingine yoyote kwa makusudi ya kuwafanya watu wamtambue au wamfikirie kuwa mpima ardhi mtaalamu; au
- (c) atakayejitambulisha kwa watu kama mpima ardhi au kama mtaalamu mwenye haki ya kufanya kazi kama mpima ardhi,

atakuwa ametenda kosa na akipatikana na hatia mbele ya mahakama atastahili kuadhibiwa kwa kutozwa faini isiyoziidi shilingi Thelmathini elfu au kufungwa gereza kwa muda usioziidi miaka mitano au adhabu zote mbili pamoja.

(2) Waziri aweza, kwa kutoa tangazo litakalochapishwa kwenye *Gazeti la Serikali* kuongeza muda wa miezi sita, uliotajwa katika kifungu cha (1) kwa muda usioziidi miezi sita mingine, na muda huo wa nyongeza waweza kutajwa kwa ajili ya watu wote kwa jumla au kwa ajili ya mtu mmoja maalum au aina fulani maalum ya watu.

Mashirika yanayofanya kazi kama wapima ardhi

19.-(1) Ni marufuku kwa shirika la watu la aina yoyote kufanya kazi kama wapima ardhi ila kwa sharti kwamba kila mwanachama au kila mwenye hisa katika shirika hilo awe ameandikishwa kama mpima ardhi.

(2) Endapo mwanachama yeyote au mtu yoyote mwenyo hisa katika shirika la watu la. aina yoyote linalofanya kazi kama wapima ardhi atafariki, basi shirika. hilo laweza, bila ya kujali masharti ya kifungu cha, (1), kuendelea kufanya kazi kama. wapima ardhi mpaka, mashauri ya. mirathi ya huyo marehenu yatakapokamilika, na kwa madhumuni hayo wale watu wote watakaoendesha, mashauri hayo ya mirathi pamoja na warithi wa. marehemu watahesabiwa, kama wapima. ardhi walioandikishwa.

(3) Masharti ya, Sheria hii yasifahamike kuwa. yanatoa haki kwa shirika la watu la, aina. yoyote ya kuandikishwa kama, wapima. ardhi.

(4) Shirika la watu la, aina yoyote litakalofanya kazi kama. wapima ardhi kinyume cha masharti ya fungu hili litakuwa limetenda kosa na likipatikana na hatia mbele ya, mahakama litastahili kuadhibiwa kwa kutozwa faini isiyozidi shilingi hamsini elfu.

20. Kwa madhumuni ya Sheria hii mtu atahesabiwa kuwa, anafanya kazi kama. mpima, ardhi ikiwa anatoa ada au ushuru wa. aina yoyote kwa huduma. anazotoa kama, mpima ardhi kwa mwajiri wake au kwa mtu mwingine yeyote aliyefanya, naye mapatano kuhusu huduma anazotoa.

Tafsiri ya
"kufanya
kazi kama
mpima ardhi"

21. Mtu yeyote ambaye-

- kwa udanganyifu, ataandikisha au atasababisha uandikishaji katika, daftari au nakala yoyote ya daftari maelezo yoyote ya uwongo au yasiyo sahihi; au
- kwa. udanganyifu, atajiandikisha au atajaribu kujiandikisha au kumwandikisha mtu mwingine yeyote kama mpima ardhi; au
- kwa makusudi, atatoa maelezo yoyote ambayo anajua ni ya uwongo au ya. kupotosha, kwa. madhumuni ya kujipatia masilahi yoyote kwa mujibu wa. Sheria. hii au kumwezesha mtu mwingine yeyote kupata. masilahi kama hayo,

Makosa
yanayohu-
sika
na auandiki-
shaji

atakuwa. ametenda kosa na akipatikana na, hatia, mbele ya mahakama atastahili kuadhibiwa kwa kutozwa faini isiyozidi shilingi elfu tano au kufungwa, gerezeni kwa muda usiozidi miezi kumi na mbili au adhabu zote mbili pamoja.

22. Mtu hatashtakiwa mahakamani kwa ajili ya, kosa lolote kwa mujibu wa Sheria hii ila mpaka kipatikane kwanza kibali cha Mkurugenzi wa Mashtaka.

Kibali cha
Mkurugenzi
wa Mashtaka

SEHEMU YA TANO

MASHARTI MENGINEYO

23. Mjumbe yeyote wa Halmashauri, Katibu au mtu mwingine yoyote mwenye madaraka ya kutekeleza jambo lolote kwa mujibu wa Sheria hii akitenda jambo lolote kwa nia njema katika kutekeleza, madaraka yake kwa mujibu wa Sheria hii hatakuwa na lawama yoyote ya kustahili kuchukuliwa hatua za kisheria juu yake kutokana na jambo kama hilo.

Ukomo wa
dhima ya
wajumbe wa
Halmashauri,
Katibu n.k.

Taarifa ya mwaka

24. Kila, mwisho wa Mwaka, Halmashauri itatakiwa kutayarisha taarifa kuhusu shughuli za Halmashauri katika mwaka huo na, itawasilisha taarifa, hiyo kwa Waziri.

Msamaha

25.- Waziri aweza, kwa kutoa amri itakoyochapishwa kwenye *Gazeti la Serikali*, kumsamehe mtu yeyote au, kuwasamehe watu wa aina yoyote masharti yote ya Sheria, hii au sharti lolote kati ya hayo.

Sheria Ndogo za Halmashauri

26.-(1) Halmashauri yaweza, kwa idhini ya Waziri, kutunga Sheria Ndogo kwa, ajili ya utekelezaji bora wa kazi zake kwa mujibu wa Sheria hii, na bila ya kuathiri mamlaka hayo yaliyoelezwa kwa jumla, Halmashauri yaweza. kwa kutuima Sheria, Ndogo kama hizi,

- (a) kutaja aina za shahada ambazo zinatambuliwa na, Halmashauri kwa madhumuni ya, kumwezesha mtu yeyote mwenye shahada ya aina mojawapo kati ya hizo kuandikishwa kwa. mujibu wa Sheria hii;
- (b) kueleza kanuni zitakazotumika kama mwongozo kwa ajili ya, kudumisha tabia njema ya wataalam na mwenendo bora katika utekelezaji wa kazi ya kupima, kuthamini na kuendeleza ardhi;
- (c) kueleza kanuni kwa ajili ya utaratibu wa kusimamia utekelezaji wa kati ya kupima, kuthamini na kuendeleza ardhi;
- (d) kueleza utaratibu wa kutoa msaada kwa, wananchi katika, kutekeleza masilahi yao yanayotokana au kuhusika na shughuli za kupima, kuthamini na. kuendeleza ardhi;
- (q) kueleza jambo jingine lolote ambalo Halmashauri itaona linafaa. kwa ajili ya kurahisisha au kuendeleza utekelezaji bora. wa kazi na madaraka yake kwa mujibu wa Sheria hii.

(2) Sheria, Ndogo zote zitazotungwa na. Halmashauri kwa mujibu wa, fungu hili zitatakiwa zichapishwe kwenye *Gazeti la Serikali*.

Kanuni za Waziri

27. Waziri aweza. kuweka Kanuni kwa. ajili ya utekelezaji bora wa madhumuni na masharti ya Sheria hii, na bila. ya kuathiri mamlaka, hayo yaliyoelezwa kwa jumla, Waziri aweza, kwa kutumia Kanuni kama hizo-

- (a) kutaja aina za fomu zitakazotumika kwa ajili ya. maombi ya, kutaka kuandikishwa kama mpima. ardhi au maombi ya kutaka. kuandikishwa tena kwa mpima, ardhi ambaye jina lake lifi-futwe katika daftari, kueleza utaratibu wa kupeleka maombi ya aina mbali mbali na kutaja viwango vya ada zitakazotowza kwa ajili ya maombi au mambo mengineyo;
- (b) baada ya kushauriana na Halmashauri, kueleza masharti yaliyo-tajwa katika fungu la 9 (1) (b) yanayotakiwa yatimizwe na mtu yeyote anayetaka kujipatia maarifa na mazoezi ya kazi kwa ajili ya kupata haki ya kuandikishwa kama mpima ardhi;
- (c) kueleza utaratibu utakaotumika kwa ajili ya kuendesha shughuli za Halmashauri na utaratibu utakaofuatwa na Halmashauri kwa ajili ya kufanya uchunguzi kwa mujibu wa Sheria hii;

- (d) kueleza utaratibu wa. kuiwezesha Halmashauri kuteua kamati za wajumbe wake na utaratibu wa, kuiwezesha Halmashauri kuwashirikisha katika kamati zake watu wengine wasio wajumbe wa Halmashauri;
- (e) kutaja shughuli zitazotekelezwa na Katibu pamoja na kazi zake zilizoolezwa katika Sheria hii;
- (f) kueleza kanuni zitakazotumika kwa ajili ya kuwasimamisha kazi au kuwafuta. kabisa wapima ardhi;
- (g) kueleza utaratibu utakaotumika kwa ajili ya. kukata, rufaa mbele ya Baraza, la Rufaa, kuhusu mambo yaliyoolezwa katika fungu la, 17(4)-;
- (h) kueleza jambo jingine lolote linalotakiwa. au kuruhusiwa kuelezwa katika Kanuni kwa, mujibu wa Sheria hii.

28.-(1) Bila, ya kuathiri masharti ya Sheria yoyote inayotumika kuhusu shughuli za kupima, kuthamini na kuendeleza ardhi, Waziri aweza, kwa kutoa, maagizo yatakayotangazwa katika, *Gazeti la Serikali*, kuitaka Halmashauri au kumtaka mpima ardhi aliyeandikishwa yeyote au kuwataka wapima ardhi wa aina yoyote walioandikishwa kuzingatia, mambo yoyote yatakatajwa na Waziri kwa madhumuni ya kulinda au kuendeleza masilahi ya Umma na Halmashauri itakuwa na wajibu wa kuzingatia mambo hayo katika utekelezaji wa madaraka yake kwa mujibu wa Sheria hii, hali kadhalika kila mpima ardhi anayehusika atakuwa na wajibu wa kuzingatia mambo hayo anapofanya kazi kama mpima ardhi.

Maagizo ya mwongozo kuhusu misingi ma kanuni za kufanya kazi kama mpima ardhi

(2) Bila ya kuathiri mamlaka ya jumla yaliyoolezwa katika kifungu cha (1), Waziri aweza kutaja. mambo ya aina iliyolezwa katika kifungu hicho kwa, madhumuni ya-

- (a) kuanzisha na kutekeleza, utaratibu wa, kupima, kuthamini na kuendeleza ardhi unaolingana na siasa ya, Jamhuri ya Muungano kuhusu matumizi bora, ya ardhi na shughuli zingine zinazoa-mbatana na matumizi ya ardhi;
- (b) kukuza shughuli za utekelezaji wa taaluma, ya kupima, kuthamini na kuendeleza ardhi kusudi utekelezaji wa taaluma hiyo ulingane na ufuata misingi ya siasa ya Ujamaa na Kujitegemea pamoia na kutimiza masilahi ya watu wa Jamhuri ya Muungano katika mambo ya kisiasa, uchumi na ustawi wa jamii.

(3) Maagizo yatakayotolewa na Waziri kwa mujibu wa fungu hili yatakuwa na nguvu kamili ya kisheria sawa na masharti yaliyomo katika Sheria hii.

Imepitishwa katika Bunge tarehe kumi na nane mwezi Januari, 1977.



Clerk of the National Assembly