

CHAPTER 333

THE ANTIQUITIES ACT

An Act to provide for the preservation and protection of sites and articles of archaeological, historical or natural interest and for related matters.

[1st August, 1964]

Acts Nos.

10 of 1964

[R.L. Cap. 550]

22 of 1979

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh333s1]1. Short title

This Act may be cited as the Antiquities Act.

[PCh333s2]2. Interpretation Act No. 22 of 1979 s. 2

(1) In this Act, unless the context otherwise requires—

"antiquity" includes a monument, a relic and protected object;

"appointed day" means the first day of August, 1964;

"conservation area" means any area declared to be a conservation area under section 3(2);

"Conservator" means the person appointed to perform the functions of Conservator of Antiquities;

"Council" means the Advisory Council for Antiquities established by section 20;

"Director" means the Director of Antiquities;

"discovery" means the finding of any object on or under land or in anything growing on the land or attached to or within the fabric or foundations of any structure, the presence of which was previously unknown to the owner, but does not include the recognition or identification as a relic or a relic of a particular description of any object previously in the known possession of any person;

"ethnographical object" means any movable object made, shaped, painted, carved, inscribed or otherwise produced or modified by human agency in Tanzania after the year 1863, for use in any social or cultural activity whether or not it is still being used by any community in Tanzania, but does not include any object made, shaped, painted, carved, inscribed or otherwise produced or modified by human agency in Tanzania for sale as a curio;

"Honorary Antiquities Warden" means any person appointed by the Director under section 25;

"Minister" means the Minister responsible for antiquities;

"monument" means and includes—

(a) any building, fortification, interment, midden, dam or any structure erected, built or formed by human agency in Tanganyika before the year 1863; and

(b) any rock painting or any immovable object painted, sculptured, carved, incised or modified by human agency in Tanzania before the year 1863; and

(c) any earthwork, trench, adit, well, cave, tunnel or other modification of the soil or rock dug, excavated or otherwise engineered by human agency in Tanzania before the year 1863, whether or not the monument shall have been modified, added to or restored at a later date and whether or not it is included in a list published by the Director; and

(d) any site or immovable structure declared to be a monument under section 3; and

(e) such adjoining land as may be required for the purposes of fencing, covering or otherwise preserving the monument;

"Museum" means the National Museum of Tanzania established under any written law relating to museums;

"protected object" means any ethnographic object or any wooden door or door frame carved in Tanzania, in any African or oriental style before the year 1940, and includes any object declared to be a protected object under section 9(1);

"relic" means any movable object made, shaped, painted, carved, sculptured, inscribed or otherwise produced or modified by human agency in Tanzania before the year 1863, whether or not it shall have been modified, added to or restored at a later date and includes any human or other vertebrate faunal fossil or botanical fossil or impression, found in Tanzania.

(2) The Director may, by notice in the Gazette, publish lists of monuments and conservation areas, and the inclusion of any place, site or structure in any list so published shall be prima facie evidence in all proceedings, whether criminal or civil, that the site or structure is a monument or a conservation area within the meaning ascribed to those expressions in subsection (1).

(3) Any person aggrieved by the inclusion of any place, site or structure in a list published under subsection (2) may appeal, against the inclusion, to the Minister.

PART II

MONUMENTS (ss 3-7)

[PCh333s3]3. Declaration of monuments and conservation areas Act No. 22 of 1979 s. 3

(1) The Minister may by order in the Gazette, declare any place or structure of historical interest to be a monument for the purposes of this Act.

(2) The Minister may, after consultation with the Minister responsible for lands, by notice in the Gazette, declare to be a conservation area any area or site which—

- (a) in his opinion is a valuable national heritage for its aesthetic value; or
- (b) contains a homogenous group of monuments; or
- (c) contains buildings, structures or other forms of human settlement which in his opinion are a valuable national heritage for their historical, architectural, social or cultural value.

(3) Any person aggrieved by an order made under this section may appeal to the Minister for a review of the order and the decision of the Minister shall be final.

[PCh333s4]4. Control of monuments

(1) The Director, and any person authorised by him, may, at all reasonable times—

- (a) enter and inspect any monument;
- (b) fence, repair and otherwise protect or preserve any monument;
- (c) search and excavate for relics in any monument and remove any relics hitherto

undiscovered:

Provided that—

(i) where the monument is a place of ordinary habitation or occupation, the Director and any such person aforesaid shall give the occupier not less than forty-eight hours' notice in writing of his intention to exercise any of the powers specified in this subsection;

(ii) nothing in this section shall authorise—

(A) the exclusion of the owner or any person beneficially interested in a monument, or any person authorised by him, from any part of the monument;

(B) the excavation of any monument, or any search for relics in a monument which is a place of ordinary habitation or occupation without the consent of the owner.

(2) Any person who wilfully obstructs the Director or any other person authorised by him in that behalf in the exercise of his powers under subsection (1) commits an offence against this Act.

[PCh333s5]5. Restriction on certain activities in relation to monuments

(1) Subject to the provisions of subsection (2), no person, whether beneficially interested or not, shall do any of the following acts to or in relation to any monument or protected object declared as such by the Minister under section 3, or included in a list published by the Director under section 2 and for the time being in force, or to any other place, site or structure which he knows or has reasonable cause to believe to be a monument, that is to say—

- (a) destroy, injure or deface the same or make any alteration, addition or repair;
- (b) write, draw or carve any writing, drawing or figure;
- (c) permit any animal under his control to damage the same or to enter any part fenced by or on behalf of the Director or the owner;
- (d) alter the course of cultivation so as to affect to its detriment any part of palaeontological, archaeological, historical or natural interest.

(2) Nothing in this section shall apply to—

- (a) the Director;
- (b) any act done under and in accordance with the written approval of the Director.

[PCh333s6]6. Acquisition of monuments and conservation areas Act No. 22 of 1979 s. 4

The Minister may acquire any monument or conservation area in accordance with the Land Acquisition Act *, as modified by this Act.

[PCh333s7]7. Owners may require Minister to acquire monument Act No. 22 of 1979 s. 5

(1) Where any person who would be entitled, were the monument to be compulsorily acquired, to compensation in accordance with the Land Acquisition Act * and this Act, has applied to the Director for a licence to demolish, alter, make additions to or repair any monument to which this section applies and the Director has refused or neglected to issue his licence, or has issued the licence subject to such conditions as will defeat the purpose of the demolition, alteration, addition or repair, he may, within two months after such refusal or the issue of such licence, as the case may be, or if the Director has not issued a licence or refused to issue the same within two months of the application, within a further period of two months, serve notice on the Minister requiring him to elect whether to direct the issue of such licence or the removal of such conditions, as the case may be, or to acquire the monument, and the Minister shall make an election accordingly.

(2) Where the Minister elects to direct the issue of a licence or the removal of any such conditions, he shall, within one month of his receipt of the notice requiring him to make an election, give such directions to the Director and the Director shall forthwith give effect.

(3) Where the Minister elects to acquire the monument, he shall, within one month of his receipt of the notice requiring him to make election, serve a notice or notices under section 6 of the Land Acquisition Act *, and, subject to the provisions of section 29 of this Act, the provisions of that Act shall apply to the acquisition.

(4) This section shall apply to a monument—

(a) which is included in an order made by the Minister under section 3; and

(b) is situated in a municipality, or within the area of a town council or a township;

and

(c) is a place which was habitually used prior to the making of the order for habitation, commerce, trade or industry and has been continually so used thereafter.

PART III

RELICS AND PROTECTED OBJECTS (ss 8-9)

[PCh333s8]8. Relics discovered in Tanzania to be property of Republic

(1) Every relic discovered in Tanzania, whether before or after the appointed day, other than a relic properly included in a list delivered to, and signed by, the Director in accordance with the provisions of section 17, shall be the property of the Republic:

Provided that the Director may, on behalf of the Republic, disclaim the ownership of any such relic, and upon such disclaimer the property of the Republic, and any property of the President, therein shall be extinguished.

(2) Nothing in subsection (1) shall apply to any relic discovered in Tanzania before the appointed day which is, on that day, in the possession of or held on trust for the Trustees of the Museum or the trustees or other governing body of any other museum, university or similar institution to which the Minister may extend the provisions of this subsection.

[PCh333s9]9. Protected objects

(1) The Minister may, by order in the Gazette, declare any object or class of objects discovered or made in Tanzania and being of palaeontological, archaeological, historical or natural interest to be a protected object.

(2) Any person aggrieved by any order made under this section may apply to the Minister for a review of the order.

PART IV

DISCOVERY AND EXCAVATION (ss 10-13)

[PCh333s10]10. Discovery of relics and monuments

(1) Any person who discovers a relic or monument, or any object or site which may reasonably be supposed to be a relic or monument in Tanzania, otherwise than in the course of a search or excavation made in accordance with a licence granted under section 13, and the occupier of any land who knows of any such discovery on or under such land, shall forthwith report the same to an administrative officer, the Director, the Conservator or the Curator of the Museum. The discoverer of such a relic, monument, object or site shall take such steps as may be reasonable for the protection and shall, where he makes a report concerning a portable relic or object, if so required (and on payment of the cost of delivery if any) deliver such antiquity or object to an administrative officer, the Director, the Conservator or the Curator of the Museum, as the case may be.

(2) Every administrative officer to whom a relic is delivered or a report is made under this section shall report the same in writing to the Director.

(3) The Trustees of the Museum shall maintain a register of all matters reported to the Curator under this section and shall permit the Director or any person authorised by him in writing to examine the same and any antiquity or object delivered to the Curator and, if the Director does not disclaim any such antiquity in accordance with the provisions of section 8, shall deliver the same to him at his request.

(4) The Director and any person authorised by him in writing, may enter upon any lands and inspect the site of any monument or supposed monument or the site of the discovery of any relic or supposed relic required to be reported under this section.

(5) Any person who fails to comply with any of the provisions of subsection (1) or (3), or who obstructs the Director or any person authorised by him in writing in that behalf in the exercise of his powers under subsection (3) or (4), commits an offence against this Act.

[PCh333s11]11. No excavation or collection without a licence Act No. 22 of 1979 s. 6

(1) No person except the Director or a person acting on his behalf, shall whether on his own land or elsewhere—

- (a) excavate, dig or probe for monuments or relics; or
- (b) remove or collect any relic or any object he supposes to be a relic from the site of its discovery, except for the purposes of protecting it and reporting the discovery under the

provisions of section 10 or for the purposes of delivering it to the authorities if required to do so under that section;

(c) search for or collect any ethnographical object,

except under and in accordance with an excavation licence or in the case of an ethnographical object, a collector's licence issued by the Director.

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

[PCh333s12]12. Persons to whom licence may be granted Act No. 22 of 1979 s. 7

An excavation licence or a collector's licence shall be granted only to a person who satisfies the Director that—

(a) he has had sufficient scientific training or experience to carry out the proposed excavation, search or collection satisfactorily;

(b) he has at his disposal sufficient staff and financial and other resources to enable him to carry out the proposed excavation, search or collection satisfactorily;

(c) in relation to an excavation licence, he is able to conduct or arrange for, the proper scientific study and publication of any material discovered; or

(d) in relation to a collector's licence the ethnographic objects collected will be used for study or for a purpose approved by the Director.

[PCh333s13]13. Conditions of licence Act No. 22 of 1979 s. 8

(1) Every licence under section 11 shall be granted for such period not exceeding a year as the Director may allow and may be renewed for a further period or periods not exceeding a year at any one time.

(2) A licence shall not constitute an authority to the licensee to enter upon or excavate any land or to enter upon any land and search for or collect any ethnographical object without the consent of the owner of that land.

(3) The Director may include in any licence any terms which he considers necessary or expedient for the proper conduct of excavation, search or for the collection of ethnographical objects, including conditions for reporting, mapping, documentation or preservation of materials discovered or collected, their removal, examination and custody and the making and exchange of casts, squeezes and other reproductions.

(4) In addition to any terms included in the licence, the licensee shall take all reasonable measures in accordance with current scientific practices, for the preservation of any relics or monuments or ethnographical objects discovered or collected by him.

(5) The Director may cancel any licence if the licensee fails to conform to the conditions imposed on him by this Act or the terms of the licence.

(6) Any person aggrieved by the refusal of the Director to grant a licence or by the cancellation of a licence, may appeal against the refusal or cancellation to the Minister.

PART V

EXPORTS AND SALES (ss 14-15)

[PCh333s14]14. Exports

(1) No person shall export from Tanzania any—

- (a) relic discovered in Tanzania;
- (b) monument or part thereof; or
- (c) protected object,

except under and in accordance with a licence issued by the Director:

Provided that—

(i) the Director shall not withhold his licence in the case of any relic disclaimed by him in accordance with the provisions of section 8; and

(ii) the Director and any person acting on his instructions may export any such relic, monument, or part of it, or protected object for the purposes of exhibition, or of repair, examination, study or other scientific purpose.

(2) Any person who exports or attempts to export any relic, any monument or part of it, or any protected object in contravention of subsection (1) commits an offence against this Act.

[PCh333s15]15. Sales

(1) No person shall sell or exchange any relic discovered in Tanzania, or any protected object, except under and in accordance with a licence issued by the Director.

(2) Before issuing a licence under this section, the Director may require the applicant to produce to him the relic or object; and he may issue a licence subject to such conditions relating to the reporting or recording of any sale or exchange as he may think fit.

(3) The Director may refuse to grant—

(a) a general licence under this section; or

(b) a particular licence under this section—

(i) to any person who has been convicted of an offence against this Act, or who has been convicted, whether in Tanzania or elsewhere, of any other offence involving fraud, dishonesty or stolen property, at any time during the three years next preceding the date of application;

(ii) unless the relic or object is first produced to him,

but, save as aforesaid, he shall issue a licence on the applicant paying any prescribed fee and furnishing any prescribed particulars.

(4) Any person who contravenes the provisions of subsection (1) commits an offence against this Act.

PART VI

POWERS OF LOCAL GOVERNMENT AUTHORITIES (s 16)

[PCh333s16]16. Powers of local government authorities relating to monuments

(1) The powers conferred by or of under the Local Government (Urban Authorities) Act * and the Local Government (District Authorities) Act * upon local government authorities to make by-laws or to perform functions shall be deemed to include power, subject to the approval of the Minister, to make by-laws and to perform functions in relation to the preservation of, and access to, monuments including, with the consent of the owner or other person beneficially interested therein, power to fence, repair and otherwise preserve and protect, and to erect notices or tablets giving information relating to monuments.

(2) The approval of the Minister required by subsection (1) for the making of by-laws shall be in addition to any approval, concurrence or consent required by any other law for the making of by-laws.

PART VII

MISCELLANEOUS PROVISIONS (ss 17-30)

[PCh333s17]17. Relics found in Tanzania before the appointed day

(1) Every person in possession on the appointed day of any relics discovered in Tanzania before the appointed day shall within six months after the appointed day deliver to the Director two copies of a list describing such relics to the best of his ability; and upon being satisfied that the relics described in any such list are properly included, the Director shall sign one copy of the list and return it to the person by whom it was delivered.

(2) At any time within a period of two years after the appointed day—

(a) the Director may, on payment by him of the costs, if any, of delivery, require any person for the time being in possession of any relic included in a list delivered under this section, to deliver such relic to the Director;

(b) the Director may require any person who has been in possession of any such relic at any time during such period but has since disposed of the same, to inform the Director of the name and address of the person to whom he disposed of it.

(3) Any person who fails to comply with any requirement of the Director under subsection (2), or who in purported compliance with such a requirement gives the Director any information which he knows to be false or does not believe to be true commits an offence against this Act.

(4) The Director and any person acting on his instructions—

(a) may carry out tests and examinations on, and may photograph and make casts, squeezes and other reproductions of, any relic delivered to him under this section; and

(b) shall return the relic to the person by whom it was delivered to the Director within one year of its being so delivered.

(5) Neither the Director nor any person acting in accordance with his instructions shall be liable for any damage to, or loss of, any relic delivered to the Director in accordance with the provisions of this section unless occasioned by his gross negligence or wilful default.

(6) Nothing in subsections (1), (2) or (3) of this section shall apply to the Trustees of the Museum or to the trustees or other governing body of any other institution to which subsection (2) of section 8 extends.

[PCh333s18]18. Burden of proof

In any proceedings, whether civil or criminal—

(a) in connection with a relic or an alleged relic, proof of the object being in Tanzania at any particular time and of its having been made, shaped, painted, carved, inscribed or otherwise produced by human agency before the year 1863 shall be evidence of its having been discovered in Tanzania, and the burden of proving—

(i) that the object was not discovered in Tanzania; or

(ii) that it was discovered in Tanzania before the appointed day and included in a list delivered to and signed by the Director in accordance with the provisions of section 17;

shall lie upon the person asserting the same:

Provided that where any such person satisfied the court that the object has been in his possession, or in the possession of himself and any identifiable person or persons from whom he derived title, for a period of not less than six years, or that he, or an identifiable person from whom he derived title, imported the object into Tanzania, the burden of proving the discovery in Tanzania shall revert to the person asserting such discovery;

(b) in connection with a monument or relic, or an alleged monument or relic, a certificate purporting to be under the hand of the Conservator that the relevant place, site,

structure or object was made, shaped, painted, carved, inscribed or otherwise produced or modified by human agency, or erected, formed, built, incised, dug, excavated or otherwise engineered by human agency, before the year 1863, shall be evidence of the matter stated.

[PCh333s19]19. Exchange of illicit antiquities Act No. 22 of 1979 s. 9

Where by the operation of any treaty or agreement there is a reciprocal arrangement between Tanzania and any other country providing for the seizure and exchange of antiquities unlawfully exported from and imported into the country of either country, the Director or any person authorised by him in that behalf may, upon a written request of that other country, seize and return to that country any antiquities imported into Tanzania which are named in that written request or, as the case may be, make a written request to that other country requesting the return of antiquities exported from Tanzania, and imported into that country.

[PCh333s20]20. Establishment of the Council Act No. 22 of 1979 s. 10

(1) There is hereby established a council to be known as the Advisory Council for Antiquities.

(2) The provisions of the Schedule to this Act shall have effect in respect of the constitution of the Council, its meetings and matters relating to it.

(3) The Minister may by Order published in the Gazette amend, add to, vary or replace any of the provisions of the Schedule to this Act.

[PCh333s21]21. Functions of the Council Act No. 22 of 1979 s. 11

(1) The functions of the Council shall be—

(a) to assist the Government in the formulation and implementation of a national policy on antiquities;

(b) to advise the Government on the method of co-ordinating and monitoring research relating to museology or antiquities carried on in Tanzania or elsewhere on behalf of or for the benefit of the Government of Tanzania;

(c) to advise the Government on the techniques of preserving and restoring monuments, relics, protected objects and buildings situated in a conservation area;

(d) to assist the Government in the establishment of a suitable laboratory for carrying out research in techniques of preservation and restoration of techniques of preservation and restoration of monuments, relics, protected objects and buildings comprised in a conservation area;

(e) to advise the Government in the selection and training of local personnel in scientific and technical fields related to antiquities;

(f) to advise the Government on a system of recording, documentation and reference for material collected in the field of archaeology, ethnography, oral tradition, biological or natural sciences including manuscripts, inscriptions, photographs and reconstructions of archaeological and palaeontological finds and sites and types for the purposes of facilitating research, teaching or display;

(g) to promote the documentation and dissemination of information on any research or publication on matters relating to antiquities and for that purpose, to publish any paper, journal or periodical and to participate in or make arrangements for conferences, seminars and discussions;

(h) to advise the Government on any matter referred to it by the Minister and generally, to advise the Government on any matter for the better carrying out of the objects of this Act.

(2) The Council shall once every year publish or cause to be published a report of its activities for that year.

[PCh333s22]22. Establishment of National Fund for Antiquities Act No. 22 of 1979 s. 11

(1) There is hereby established a fund to be known as the National Fund for Antiquities which shall be managed and controlled by the Director.

(2) The National Fund for antiquities shall consist of—

- (a) such sums as may be provided by Parliament for that purpose;
- (b) donations and grants from any source;
- (c) fees chargeable on any matter upon which fees may be charged under this Act;
- (d) proceeds from sales of relics, casts, ethnographical objects and publications on matters relating to this Act;
- (e) such sums as may be payable to the Fund from any sources.

(3) The Fund shall be applied for the purposes of research, in and the preservation of antiquities and for any purpose relating to the functions of the Council.

(4) The Minister may issue directives in writing, regulating the use of the Fund, and shall after consultation with the Minister responsible for Finance, issue directives regulating the operation of the Fund and providing for the audit of the accounts of the Fund.

[PCh333s23]23. Power to erect notice or tablet

(1) It shall be lawful for the Director and any person acting under his instructions to erect any notice or tablet in suitable places for the purpose of preserving or giving information about any monument, relic, or protected object, excavated or discovered, in the vicinity or about any historical events which occurred at such places save that no such notice or tablet shall be erected—

(a) on public land under the jurisdiction of a local government authority under the provisions of the Local Government (Urban Authorities) Act * or the Local Government (District Authorities) Act * without the consent of such local government authority;

(b) on any public highway as defined by section 2 of the Highways Act * without the consent of the road authority under whose jurisdiction the public highway lies.

(2) Whoever, without the authority of the Director, destroys, pulls up, defaces, breaks, damages or removes any such notice or tablet, commits an offence.

[PCh333s24]24. Power to hand over relics to museums, etc.

The Director may—

- (a) give; or
- (b) lend for purposes of display or exhibition; or
- (c) hand over for safe-keeping,

any relic or protected object to any museum, exhibition or scientific institution, except that in the case of (b) and (c) supra he may impose such conditions as he may deem fit as regards provision for the preservation, insurance and return of such relic or protected object:

Provided that no relic or protected object shall be given, lent or handed over to any museum, exhibition or scientific institution outside Tanzania without the consent of the Minister.

[PCh333s25]25. Power to appoint Honorary Antiquities Wardens

The Director may appoint fit and proper persons to be Honorary Antiquities Wardens for the purpose of assisting in the carrying out of the provisions of this Act and, in particular, but without prejudice to the generality of the foregoing, in the prevention and detection of offences under this Act.

[PCh333s26]26. Arrest

(1) Where the Director, Conservator or any Honorary Antiquities Warden has reason to believe that any person has committed an offence against this Act, he may require such second-mentioned person to furnish him with his name and address and reasonable evidence of his identity; and where any such second-mentioned person refuses to give his name and address

and reasonable evidence of his identity, the Director, Conservator or any Honorary Antiquities Warden shall have power to arrest such person without warrant.

(2) Any person who refuses or neglects to furnish the Director, Conservator or any Honorary Antiquities Warden with his name or address or reasonable evidence of his identity when so required under this section or furnishes a false name or address or false evidence of identity commits an offence against this Act.

[PCh333s27]27. Penalty

Any person who commits an offence against this Act is on conviction is liable to a fine not exceeding ten thousand shillings and, in addition in the case of a continuing offence, to a fine not exceeding one thousand shillings for each day during which the contravention of the relevant provision persists.

[PCh333s28]28. Rules Act No. 22 of 1979 s. 12

The Minister may make rules for the better carrying into effect of the provisions of this Act and, without prejudice to the generality of the foregoing, may make rules—

- (a) regulating the sale and exchange of monuments and conservation areas;
- (b) regulating the conduct of excavations and conservation areas;
- (c) prescribing the powers and duties of Honorary Antiquities Wardens which may include powers and duties conferred or imposed by the Act on the Conservator other than those under sections 2, 8, 13, 14, 15, 17, 23 and 24.

- (d) prohibiting and regulating access to monuments and conservation areas;
- (e) restricting and regulating the charging of entrance fees to monuments and conservation areas;
- (f) prescribing anything which may be prescribed:

Provided that no rules under the provisions of paragraph (e) or (f) shall restrict, otherwise than by limiting the charging of entrance fees, the entry of the owner or any person beneficially interested therein, or any person authorised by such owner or person, from entry into or upon any monument.

[PCh333s29]29. Application of the Land Acquisition Act Act No. 22 of 1979 s. 13

Where the Minister acquires any monument or conservation area under section 6 or elects to acquire a monument under section 7 of this Act, the acquisition shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act *, and the provisions of that Act shall have effect as if the references to the President (other than those references relating to the vesting in the President any title to the land acquired), and the Minister responsible for lands, were references to the Minister responsible for antiquities:

Provided that—

- (a) the provisions of section 19 of the Land Acquisition Act shall not apply where the Minister elects to acquire a monument under section 7 of this Act; and

(b) in assessing the amount of compensation payable, no account shall be taken of any palaeontological, archaeological, architectural or historical value unless the person entitled to the compensation paid any sum for that value when he acquired his interest in the land.

[PCh333s30]30. Repeal of R.L. Cap. 233 and amendment of Cap. 118

[Repeals the Monuments Preservation Ordinance * and amends the Land Acquisition Act *.]

SCHEDULE

(Section 20(2))

1. Composition of Council Act No. 22 of 1979

The Council shall consist of—

- (a) a Chairman, who shall be appointed by the President;
- (b) the Director, who shall be the Secretary of the Council;
- (c) the Dean of the Faculty of Arts and Social Sciences, University of Dar-es-Salaam or his alternate;
- (d) the Dean of the Faculty of Science, University of Dar-es-Salaam or his alternate;
- (e) the Dean of the Faculty of Medicine, University of Dar-es-Salaam or his alternate;
- (f) the Commissioner for National Education or his alternate;
- (g) a representative of the Historical Association;

(h) a member appointed by the Board of National Museum of Tanzania, from amongst the employees of the National Museum;

(i) not less than four and not more than six other members, who shall be appointed by the Minister.

2. Vice-Chairman

The members shall elect one of their number to be the Vice-Chairman of the Council.

3. Tenure of office

(1) The Chairman shall, unless he resigns or his appointment is sooner revoked by the Minister, hold office for such period as may be specified in his terms of appointment or, if no such period is specified, for a period of three years and shall be eligible for reappointment.

(2) The Vice-Chairman shall, subject to his continuing to be a member, hold office for a period of one year, and shall be eligible for re-election.

(3) A person who is a member of the Council by virtue of some other office, shall hold office for the period he holds that other office.

(4) A member of the Council appointed under paragraph 1 (i) shall, unless he resigns or his appointment is sooner revoked by the Minister, hold office for such period as may be specified in his terms of appointment or, if no period is specified, for a period of three years and shall be eligible for re-appointment.

(5) The Chairman or any member appointed under paragraph 1 (i) may at any time resign his office by giving notice in writing to the Minister, and from the date specified in that letter, he shall cease to be a member of the Council.

4. Vacancies

Where any person appointed to be a member of the Council ceases to be a member for any reason, the Minister may appoint another person in his place.

5. Chairman to preside at meeting

(1) The Chairman or in his absence, the Vice-Chairman, shall preside at all meetings of the Council.

(2) Where at any meeting of the Council both the Chairman and the Vice-Chairman are absent, the members shall elect one of their number to act as Chairman at that meeting.

6. Meetings and procedure of Council

(1) The Council shall meet not less than twice every year and at such additional times as may be fixed by the Chairman or in his absence, the Vice-Chairman.

(2) The Secretary of the Council shall give each member adequate notice of the time and place of every meeting and shall keep a record of the proceedings of every meeting of the Council.

(3) All questions at a meeting of the Council shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairman of the meeting

shall have a casting vote in addition to this deliberative vote.

(4) The Chairman or with his consent, the Director, may invite any person to take part in the deliberations of the Council but the person so invited shall not be entitled to vote.

7. Quorum

At any meeting of the Council not less than one-half of the members for the time being in office shall constitute a quorum.

8. Council may regulate its proceedings

Subject to the provisions of this Schedule the Council may regulate its own proceedings.

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