

Zambia

Zambia Tanzania Pipeline Act, 1967

Chapter 455

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Zambia Tanzania Pipeline Act, 1967

Chapter 455

Commenced on 27 January 1967

[This is the version of this document as it was at 31 December 1996 to 30 August 2009.]

[Acts No. 18 of 1967; 13 of 1994]

An Act to grant rights, or to provide for the granting of rights, over land to a company known as the TAZAMA Pipelines Limited; and to provide for matters connected with or ancillary to the foregoing.

1. Short title

This Act may be cited as the Zambia Tanzania Pipeline Act.

2. Interpretation

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

"**agent**", in relation to the Company, means any duly authorised employee of the Company, any duly authorised contractor of or consultant to the Company and the duly authorised employees of such contractor or consultant;

"**Company**" means the TAZAMA Pipelines Limited, a Company incorporated in Zambia and registered as a foreign company in Tanzania;

"**objects**", in relation to the Company, means the objects of the Company referred to in section three;

"**private land**" means all land and all interests in land other than unalienated land or interests therein;

"**Customary Area**" has the meaning assigned thereto by section two of the Lands Act;

"**state lands**" shall have the meaning assigned to the expression "State Lands" in Article 2 of the Zambia (State Lands and Reserves) Orders, 1928 to 1964;

"**trust land**" means the land set apart by section 3 of the Zambia (Trust Land) Orders, 1947 to 1964, but shall not include any trust land which has been granted, disposed of, acquired, set aside or over which a right of occupancy has been granted, under section 5 of the said Orders;

"**unalienated land**" means reserves, unalienated state lands and trust land.

(2) The provisions of this Act shall have effect notwithstanding anything contained in any other written law.

[Cap. 184; App. 9]

3. Objects of Company

The objects of the Company are to design, construct, lay, own, operate and maintain a pipeline for the carriage of oil or petroleum products from a point at or near Dar es Salaam in Tanzania to a point at or near Ndola in Zambia.

4. Right of entry

- (1) The Company and its agents may enter upon any private land, or unalienated land, lying in the intended route of the pipeline and make surveys, examinations or other necessary arrangements on such land for fixing the site of the pipeline, and set out and ascertain such parts of the land as are necessary and proper for the pipeline.
- (2) Notwithstanding the provisions of subsection (1), no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.
- (3) As soon as may be after any entry made under subsection (1), the Company shall pay compensation for all damage done, to the President in the case of unalienated land and, in the case of private land, to any person having an interest in or right over such land.

5. Rights over unalienated land

- (1) The President may, if he is satisfied that it is necessary to do so in order to enable the Company to carry out its objects—
 - (a) grant to the Company by lease upon such terms and conditions as he may think fit, including the payment of rental, any area of unalienated land;
 - (b) grant to the Company upon such terms and conditions as he may think fit, including the payment of rental, any wayleave or right to place any pipeline over or under any unalienated land.
- (2) When, in accordance with the provisions of this section, any unalienated land has been granted to the Company, the Company and its agents shall be entitled to reasonable access to such land or pipeline for the purpose of carrying on its operations on such land or of maintaining, removing, repairing or replacing such pipeline.

6. Wayleaves over private land

- (1) The President may, if he is satisfied that it is necessary to do so in order to enable the Company to carry out its objects, by statutory order, authorise the Company to place any pipeline, whether above or below ground, into, out of or across any private land.
- (2) Nothing contained in this section shall authorise or empower the Company to lay down or place any pipeline into, through, or against any building, or in any private land covered with buildings, without the consent of the owner and lawful occupier.
- (3) The rights conferred on the Company by an order made by the President under subsection (1) shall not be exercised unless and until the order has been published in the *Gazette*.
- (4) When the Company has been authorised to use any land under this section or has placed a pipeline in position, the Company and its agents shall be entitled to reasonable access to such land for the purpose of carrying on its operation on such land or of maintaining, removing, repairing or replacing such line.

7. Compulsory acquisition of private land

- (1) The President may by order published in the *Gazette* acquire by compulsion in his name private land for use by the Company.
- (2) Before making an order under subsection (1), the President shall be satisfied that—
 - (a) the Company has taken all reasonable steps to acquire on reasonable terms by agreement the land which it wishes to use and has been unable to do so; and

- (b) the acquisition of such land is necessary for the carrying out of the objects of the Company.
- (3) The President may, under such conditions as he deems fit, including the payment of rent, permit the use by the Company of any land which he has acquired under the provisions of subsection (1), so, however, that—
 - (a) the land shall not be used by the Company for any purpose other than the purpose for which it was acquired under the provisions of subsection (1); and
 - (b) the land or such part of it as the President may determine shall revert to the use and absolute control of the President if it or any part of it is used for any purpose other than the purpose for which it was acquired under the provisions of subsection (1).
- (4) The Company may, at any time after being permitted to use any land under this section, enter into possession or enjoyment of the land.

8. Payment of adequate compensation

Where the powers under section six or seven are exercised by the President, every person having an interest in or right over the land concerned shall be paid adequate compensation from moneys appropriated by Parliament for the purpose.

9. Access to High Court

- (1) Notwithstanding any other provisions in this Act contained, any person having an interest in or right over any land—
 - (a) upon which entry has been made in pursuance of the provisions of section four;
 - (b) over which a pipeline has been laid in pursuance of the provisions of section six; or
 - (c) compulsorily acquired in pursuance of the provisions of section seven;may make application to the High Court for the determination of his interest or right, the legality of the exercise of powers under the said section four, six or seven, and the amount of compensation to which he is entitled, and for the purpose of obtaining prompt payment of that compensation.
- (2) For the purpose of regulating proceedings had in pursuance of the provisions of subsection (1), the Chief Justice may, by statutory instrument, make rules providing for—
 - (a) the institution and conduct of proceedings before the High Court, including the calling of expert witnesses and the number thereof;
 - (b) the fees, charges and rates payable in respect of proceedings before the High Court and the circumstances in which any party to the proceedings may be required to pay the costs of any other party;
 - (c) the assessment of compensation to be paid and the manner in which compensation awarded by the High Court may be paid and recovered.

10. Assessment of compensation

When the Government pays any compensation in pursuance of the provisions of section eight, the Company shall, upon being called to do so by the Commissioner of Lands, pay to the Government the amount of such compensation.

11. Registration of orders made under section 6 or 7

Notwithstanding anything contained in the Lands and Deeds Registry Act, the Registrar appointed thereunder shall, on application being made by the Commissioner of Lands, make such entries in the registers kept by him as are necessary for the registration of any order made under section six or seven.

[Cap. 185]

12. Offence

Any person who, without the authority of the Company, wilfully destroys or damages any part of the pipeline constructed by or on behalf of the Company, or any works, structure or equipment incidental thereto, shall be guilty of an offence and liable on conviction to a fine not exceeding six thousand penalty units, or to imprisonment for a term not exceeding two years, or to both.

[As amended by Act [No. 13 of 1994](#)]