

Tanzania

Natural Resources Act

Natural Resources (Destocking) (Arusha Region) Rules, 1982

Government Notice 114 of 1982

Legislation as at 31 July 2002

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Natural Resources (Destocking) (Arusha Region) Rules, 1982

Contents

1. Citation	1
2. Application	1
3. Interpretation	1
4. Authorisation of powers or duties	1
5. Powers of Regional Commissioner	2
6. Order regarding removal or disposal of stock	3
7. Notification in writing by Regional Commissioner	3
8. Notification in writing by District Commissioner	3
9. Chief executive officer may notify each stock owner	3
10. Appointment of date for disposal of stock	3
11. Selection and disposal of livestock	4
12. Selection for sale	4
13. Failure of owner or agent to comply with order	4
14. Branding of livestock	4
15. Selected livestock to be taken into custody	4
16. Owner to be notified	4
17. Removal of the branded livestock	5
18. Sale to be conducted by public auction	5
19. Failure or refusal of stock owner or headsman to comply with provisions of rule 16	5
20. Purchaser to brand livestock	5
21. Purchaser to remove livestock	5
22. Offence to conceal livestock	5
23. Offences	6
24. Revocation	6

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Section 20; G.N. No. 114 of 1982]

1. Citation

These Rules may be cited as the Natural Resources (Destocking) (Arusha Region) Rules.

2. Application

These Rules shall apply in respect of the whole of the area of the Arusha Region.

3. Interpretation

In these Rules, unless the context otherwise requires—

"**District**" means any district within the area of the Arusha Region;

"**District Commissioner**" means the person holding the office or performing the functions of the office of District Commissioner in any district within the Arusha Region;

"**livestock**" means cattle, donkeys, goats or sheep;

"**livestock unit**" means one head of cattle, or one donkey, or two calves not yet weaned, or five head of either goats or sheep, or goats and sheep together;

"**local government authority**" means the District Development Council of any District or the village council of a village within the District;

"**Regional Commissioner**" means the person holding the office or performing the functions of the office of Regional Commissioner for the Arusha Region;

"**stock owner**" means the owner or person having the custody of any livestock.

4. Authorisation of powers or duties

- (1) The Regional Commissioner, or a District Commissioner, may authorise any officer of the Government or local government authority to assist him in carrying out any of the powers or duties under these Rules, and the expression "authorised officer" in these Rules shall mean the officer so authorised by the Regional Commissioner or the District Commissioner.
- (2) In these Rules, references to the Regional Commissioner or District Commissioner shall include the authorised officer referred to in subrule (1); except that nothing in these Rules shall be construed as conferring or imposing upon any authorised officer any powers or duties in excess of or other than

those which he is authorised to carry out by the Regional Commissioner or District Commissioner, as the case may be.

5. Powers of Regional Commissioner

- (1) The Regional Commissioner may destock, limit livestock numbers in, and close livestock immigration in the whole or any part of the Arusha Region, and for the purposes of the exercise of this power he may—
 - (a) where he is satisfied that the natural resources of any village or other area of any District are being injured or are deteriorating through overstocking of livestock, reduce the number of livestock at any time in any such village or other area of the District by causing to be removed from that area for disposal by sale or in any other way such proportion of the livestock units in the possession of any stock owner and either on any one occasion or at such annual rate, not exceeding twenty *per centum* of the total number of livestock units then being in the possession of that stock owner, as he may consider necessary;
 - (b) cause to be limited the number of livestock units which may be kept in any village or other area of any District and may cause to be removed in any given year from that village or other area of a District for disposal by sale or in any other way such proportion of the livestock units in the possession of any stock owner at such rate not exceeding ten *per centum* of the total number of livestock units then being in the possession of that stock owner, as he may consider necessary to so limit the number of livestock in that village or that other area;
 - (c) close livestock immigration to any specified area or areas of any District within which the number of livestock units has been or is being reduced or limited under the provisions of this subrule, and any person who brings livestock into that area commits an offence under these Rules.
- (2) Where the Regional Commissioner causes to be limited or removed the number of livestock or from an area or closes any area to livestock immigration—
 - (a) he shall in the first case, notify in writing the local government authority for the area concerned of the limited number of livestock units which may be kept in such area or which may be kept by any stock owner or other person in charge of livestock who is to be affected by the limitation or removal;
 - (b) he shall, in the second case, make known the closure to livestock immigration to the inhabitants of the village or other area of a District by such means as are ordinarily used to communicate information to the public within the Region; and
 - (c) in the case of closure of an area of livestock immigration, he may by writing to the local government authority exempt, permanently or for a specified period, any specified area or any person any specified livestock units from the operation of the closure and may authorise the local government authority to take such measures as are necessary for that purpose.
- (3) The limited numbers of livestock units which may be kept in any specified area or which may be kept by any stock owner or other person in charge of livestock shall be reviewed each year, and where it is considered by the Regional Commissioner that the limited numbers should be increased or decreased by reason of a change in the number of livestock, units which the natural resources of the area can support, he may revise those limited numbers; and the revised limited numbers shall be communicated to the local government authority concerned and to the inhabitants generally of the area in question.

6. Order regarding removal or disposal of stock

- (1) For the purpose of carrying out these Rules, the Regional Commissioner, District Commissioner or any authorised officer may at any time order any stock owner, or any headsman, servant, or agent of any stock owner in the area in question—
 - (a) to assemble all livestock in his possession on an appointed day at a specified assembly place for the purpose of permitting a census to be taken of the said livestock, and for an assessment to be made of the numbers of livestock to be removed in accordance with these Rules;
 - (b) to remove any livestock from any village and to assemble the livestock at a specified assembly place for the purpose of selection for disposal by sale or in any other way;
 - (c) to assist in the selection of livestock which are to be disposed of by sale or in any other way;
 - (d) to bring or cause to be brought or to assist in the bringing of livestock to any place where they are to be sold or disposed of in any other way;
 - (e) to sell or dispose of in any other way any livestock; and
 - (f) generally to do any act required by these Rules or to assist in any manner which will be conducive to the better carrying out of these Rules.
- (2) Any stock owner, or any herdsman, servant or agent of any stock owner who fails or refuses to carry out any order given under this rule either in writing or verbally by the Regional Commissioner or District Commissioner or any authorised officer, commits an offence under these Rules.

7. Notification in writing by Regional Commissioner

The Regional Commissioner shall in every year notify in writing to the local government authority of the area at which livestock are to be removed in such year from such area for disposal by sale or in any other way under the provisions of paragraph (a) of subrule (1) of Rule 5.

8. Notification in writing by District Commissioner

A District Commissioner shall, on behalf of the Regional Commissioner, in every year notify in writing to the local government authority within the District under his jurisdiction in which destocking, limitation of stock or closure to livestock immigration is being enforced, the scale or method upon or by means of which the destocking, limitation or closure to livestock immigration is to be carried out in that year.

9. Chief executive officer may notify each stock owner

The chief executive officer of a local government authority, or other person duly empowered by him in that behalf, on receiving the notification under Rule 7 or 8, shall notify each stock owner in his area of—

- (a) the number of livestock units to be removed and of which he will be required to dispose by sale or in any other way; or
- (b) the limited number of livestock units which may be kept, and the excess over the said number of which he will be required to dispose by sale or in any other way; or
- (c) the area or areas closed to livestock immigration,

as the case may be.

10. Appointment of date for disposal of stock

- (1) Without prejudice to the generality of the provisions of rule 6, the Regional Commissioner may appoint any date in respect of any specified area for the commencement of the selection

for disposal by sale or in any other way of livestock in accordance with these Rules, or for the commencement of the assembly of the livestock as shall have already been selected for sale and a notice of not less than seven days shall be given by the District Commissioner to a village council whose measures are under these Rules to be taken.

- (2) Upon the appointed date, the village council of the area concerned, or other person duly empowered by the village council in that behalf, shall commence to notify each stock owner or other person in charge of livestock concerned of the assembly places where, and the dates on which, the number of livestock units which have been selected for sale, or form part of any livestock from which the selection is to be made, shall be assembled and shall be accompanied by each stock owner or the herdsman, servant or agent of any stock owner and such notification shall be given to the stock owners or any other person concerned at least one day before the appointed date.
- (3) Any stock owner or other person in charge of livestock or any herdsman, servant or agent of any stock owner who fails to attend at such notified assembly place with the livestock required to be assembled, on the notified date, commits an offence under these Rules; except that it shall not be an offence to fail to bring to the assembly place animals which for reason of immaturity or infirmity are incapable of undertaking the journey.

11. Selection and disposal of livestock

The selection and disposal of livestock at any assembly place shall be carried out under the supervision of the District Commissioner or of officers authorised by him for the purpose.

12. Selection for sale

At the assembly place each stock owner or agent shall select from his livestock for sale, if he has not already done so, that number of livestock units by which he is required to reduce his livestock and shall drive his selected livestock into an enclosure at the assembly place.

13. Failure of owner or agent to comply with order

If the stock owner or agent fails or refuses to select in a satisfactory manner the appropriate number of livestock units, or to drive his selected livestock into the enclosure, the number of livestock by which he is required to reduce his livestock may be selected by an authorised officer and shall be driven upon the order of that officer into the enclosure.

14. Branding of livestock

- (1) After the selected livestock have been placed in the enclosure they shall be branded with a brand having the mark "_____" and the branding shall be performed by a Veterinary Officer or a public officer authorised by him or by such other person as may be authorised in writing by the District Commissioner.
- (2) Any person who hinders or obstructs the branding of livestock in accordance with subrule (1) or who molests any person lawfully executing or assisting in the execution of the branding commits an offence under these Rules.

15. Selected livestock to be taken into custody

The selected livestock shall, after branding and if it is so directed by an authorised officer, be taken into the custody of the local government authority until they are sold at a market.

16. Owner to be notified

When the livestock of each stock owner have been selected, the stock owner shall be notified by an authorised officer of the market at which the livestock shall be sold and the date of the sale.

17. Removal of the branded livestock

After branding of the livestock has been completed, the stock owner or agent may, with the consent of an authorised officer, remove the branded livestock and it shall be the duty of the stock owner or agent to bring or cause to be brought that livestock to the said market for sale upon the date notified.

18. Sale to be conducted by public auction

The sale of livestock shall be conducted by public auction by the marketing staff of a District Development Director's Office; except that a Veterinary Officer or any other officer authorised by him in that behalf may at any market, if he is satisfied that the offers made by buyers at auctions are inadequate, fix minimum prices for each class of livestock by verbal order.

19. Failure or refusal of stock owner or headman to comply with provisions of rule 16

- (1) Any stock owner or any headman, servant or agent of a stock owner—
 - (a) who fails or neglects to bring or cause to be brought any selected and branded livestock for sale or disposal at any market notified to him in accordance with rule 16; or
 - (b) who fails or refuses to sell or dispose of any livestock, commits an offence under these Rules.
- (2) For the avoidance of doubt, it shall not be an offence—
 - (a) to fail to bring to any market livestock which for reason of immaturity or infirmity are incapable of undertaking the journey; or
 - (b) to fail or refuse to sell any livestock if—
 - (i) no price is offered; or
 - (ii) no minimum price is fixed in accordance with rule 18; or
 - (iii) the price offered is less than that minimum price,and where a notification under these Rules has been made requiring removal, any livestock proved to have been sold shall be deemed in satisfaction of that notification.

20. Purchaser to brand livestock

- (1) The purchaser of any livestock at any sale held within the Region in accordance with rule 18 shall brand all livestock purchased by him with his own brand immediately on purchase.
- (2) Any failure to brand the livestock purchased shall be an offence under these Rules.

21. Purchaser to remove livestock

A purchaser shall, unless he is authorised otherwise by an authorised officer, remove from the livestock so purchased by him at any auction from the area in which they were purchased within twenty days of purchase.

22. Offence to conceal livestock

It shall be an offence under these Rules for any owner, or any herdsman, servant or agent of any stock owner or person, to conceal livestock or knowingly to give false information regarding the ownership or numbers of livestock to any authorised officer, Veterinary Officer or any local government authority, or to the servants or agents of any such officer or authority.

23. Offences

Any person who commits any offence under any of these Rules is liable upon conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both that fine and imprisonment.

24. Revocation

[Revokes the Destocking (Mbulu District) Rules ¹.]

¹

G.N. No. 17 of 1953