

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 11

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**THE TOWN PLANNERS (REGISTRATION)
ACT, 2007**

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THE UNITED REPUBLIC OF TANZANIA



No. 7 of 2007

I ASSENT.

JAKAYA MRISHO KIKWETE,
*President*11th June, 2007

An Act to provide for the registration of town planners, the establishment of the Town Planners Registration Board, regulation of the standard, conduct and activities of town planners and to provide for matters connected therewith.

Enacted by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Town Planners (Registration) Act, 2007 and shall come into operation on the date appointed by the Minister by notice in the *Gazette*.

Short title
and
Com-
mence-
ment

2. In this Act, unless the context requires otherwise
“Act” means the Town Planners (Registration) Act, 2007;
“Board” means the Town Planners Registration Board established by section 4;
“Minister” means the Minister responsible for land use planning;
“Register” means the Register established by section 8;
“Registrar” means the Registrar of town planners appointed under section 7;

Interpre-
tation

“town planning” means the planning for management of change in the built form and natural environment to enhance efficiency and sustainable utilization of resources for social and economic development trend in a given human settlement, taking into account equitable and collective interest;

“town planner” means a person registered under this Act to undertake town planning;

PART II

POLICY FRAMEWORK

Funda-
mental
Principles
of town
planning

3. With a view to giving effect to the fundamental principles of the National Land Policy and the Human Settlements Development Policy, all persons and authorities exercising powers, applying or interpreting the provisions of this Act shall be under the duty to—

- (a) make serviced land available for shelter and human settlements development in general to all sections of community including women, youth, the elderly, disabled and disadvantaged;
- (b) improve the level of the provision of infrastructure and social services for sustainable human settlements development;
- (c) facilitate the creation of employment opportunities and eradication of poverty;
- (d) promote a balanced development of a clearly defined hierarchy of settlements in promoting human settlements development;
- (e) promote and include the participation of the private and popular sectors, such as Community Based Organisations, Non-Governmental Organisations, Co-operatives and Communities in land use planning;
- (f) protect the environment of human settlements and of ecosystems from pollution, degradation and destruction in order to attain sustainable development;
- (g) promote the building of capacities in training and retraining of professionals in fields related to land use planning;
- (h) promote capacity building in technical, financial and managerial skill of all actors in land use planning;

- (i) ensure enforcement of planning legislation, building regulations, standards and other controls are consistent with the capabilities, needs and aspirations of the various sections of the population; and
- (j) protect professional town planners technical matters against arbitrary and discretionary decisions, orders and interference by public officials.

PART III

ESTABLISHMENT OF THE TOWN PLANNERS REGISTRATION BOARD

4.-(1) There is hereby established a Board to be known as the Town Planners Registration Board which shall be responsible for regulating the activities and conduct of town planners in accordance with the functions and powers conferred upon it by this Act.

Establishment of the Board

(2) The provisions of the First Schedule to this Act shall have effect as to the constitution and the proceedings of Board.

(3) The Minister may amend the First Schedule to this Act.

5. The functions of the Board shall be to

Functions of the Board

- (a) establish a system for registration of town planners;
- (b) provide for a system of nurturing competence, knowledge, professional conduct, consistency, integrity and ethics in town planning;
- (c) promote transparency and certainty in the planning process;
- (d) register persons qualified for registration as town planners in accordance with the provisions of this Act;
- (e) promote interest in, evaluate activities and advancement of the profession of town Planning;
- (f) provide opportunities or facilities for the study of, and training in town planning, and to promote the development of research and the application of technical information relating to town planning;

- (g) inquire into the professional misconduct of a member and institute disciplinary proceedings in accordance with the provisions of this Act;
- (h) foster co-operation among registered town planners and between the Board and other institutions or organisations, nationally or internationally concerned with environmental planning and management of sustainable development;
- (i) provide to the Government and other national institutions, technical advice on matters relating to town planning;
- (j) assist members of the public in matters relating to the practice of the profession of town planning and management of sustainable exploitation of natural resource; and
- (k) carry out such other functions as may be conferred upon the Board by any written law or as are incidental to the performance of its functions.

Limitation
of
liability
of
members

6. A member of the Board shall not be personally liable for any act or omission of the Board done or omitted to be done in good faith in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon the Board under this Act.

PART IV

REGISTRAR, REGISTRATION AND REGISTER OF TOWN PLANNERS

Appoint-
ment of
the
Registrar

7. (1) The Minister shall appoint an experienced Town Planner who is a public officer to be the Registrar of town planners.

(2) The Registrar shall hold office for three years which may be renewable for another three years.

Registers
of town
planners

8. (1) The Registrar shall keep and maintain registers of town planners into which shall be entered particulars showing against each name

- (a) the date of entry;
- (b) the name;

- (c) postal and physical address, e-mail or website;
- (d) the class registered in; and
- (e) the qualifications and skills as prescribed by the Board.

(2) Application Forms for Registration, Certificates of Registration and Register of Town Planners shall be as prescribed in the Second Schedule to this Act.

(3) Any change in any of the particulars entered in the register, shall be entered accurately in the registers by the Registrar.

9.-(1) The Registrar shall, by notice published in the *Gazette*, as soon as may be practicable following registration, publish the names, postal addresses, premises, registration number, type, category and class and qualifications of each town planner.

Publication
of
registered
and lists

(2) Subject to direction of the Board, the Registrar may publish in the *Gazette* any amendment to or deletion of the name of a town planner from the Register.

(3) The Registrar shall, by notice published in the *Gazette*, in the month of January in each year, publish a list containing the names, postal address, premises, registration number, type and category of all registered town planners remaining in the Registers as on the thirty first day of December of the previous year.

10.-(1) A publication of names, shall be *prima facie* evidence that a person whose names appears in the registers is so registered.

Publication
*prima
facie*
evidence
of
registra-
tion

(2) The registers, lists and all copies or extracts from them which have been duly certified by the Registrar shall be accepted in all courts and tribunals or other bodies authorized to receive evidence of the facts stated therein.

(3) Any person may inspect the register and any document relating to an entry in the register and may obtain from the Registrar a copy or an extract from the register on payment of a prescribed fee.

(c) he has expertise and skills which qualifies him to be a town planner in Tanzania.
the Board may temporarily register that person as a term planner.

(2) An application for registration under this section, shall be in the prescribed form, accompanied by the prescribed fee, and the Board may require an applicant to appear before it for the purposes of producing documentary evidence of competence in undertaking town planning immediately prior to entry in Tanzania.

(3) Registration of a town planner under this section, shall entitle that town planner to undertake work only for the duration or the period of contracted work which is directed by the Board in subsection (1) and on the expiration of the period of the contracted works, that firm shall cease to have been so registered, and shall return the registration certificate to the Board.

(4) In case of doubt, the decision of the Board as to the completion of the specific assignment shall be conclusive.

(5) During the duration or the period of the contracted work as is directed by the Board under subsection (1), and in relation to things done by a town planner in the course of the contracted work, be treated as being duly registered under this Act as a *bona fide* town planner but in relation to other matters shall be treated as not so registered.

13. Every town planner shall be entitled to be addressed and to adopt and use the title

Designation
upon
registration

(a) in the case of a resident citizen, "Fully Registered Town Planner"; or

(b) in the case of a person who is not a citizen of Tanzania, "Temporary Registered Town Planner".

14. The Registrar may on his own motion or upon instruction by the Board, requests a town planner to furnish any such information relating to practicing as a town planner.

Registrar
may call
for
informa-
tion

PART V
CANCELLATION AND SUSPENSION OF REGISTRATION

Power to
delete
from and
correct
register

15. (1) The Board may direct that the name of a town planner be deleted from the Register where such person has -

- (a) died;
- (b) failed to pay the prescribed fee;
- (c) failed, within a period of twelve months from the date of registration, to notify the Registrar of his current address;
- (d) requested that his name be deleted from the Register;
- (e) been found guilty of misconduct;
- (f) had lost qualification in respect of which he was registered;
- (g) been adjudged bankrupt; or
- (h) been placed under receivership or liquidation voluntarily for purpose of deceiving creditors.

(2) The Registrar shall delete from the Register any entry which has been mistakenly or fraudulently entered.

(3) The Registrar shall in writing notify a person whose name has been deleted from the Register.

(4) A person whose name has been deleted from the Register shall, upon notification, immediately cease from practising as a town planner.

Restoration
of name
in the
Register

16. (1) Where a name has been deleted from the Register that name shall not be restored in the Register except by direction of the Board.

(2) Where a name has been deleted or the effect of the registration has been suspended the Board may, either of its own motion or on the application of the person concerned, direct that the -

- (a) deletion be confirmed;
- (b) name of the person be restored to the Register; or
- (c) suspension of the effect of registration be terminated.

(3) A direction given by the Board under subsection (2) may include provision for the date upon which restoration to the Register or the termination of suspension of the effect of registration shall take effect and for the payment by the person concerned of a fee as the Board may determine.

17. (1) Where a town planner is convicted of an offence against this Act or is, after the inquiry found to be guilty of an act or omission amounting to improper or disgraceful conduct in professional respect, the Board may:

Powers to suspend registration, etc

- (a) caution or censure the town planner;
- (b) direct that, during such period as the Board may specify, the registration of the name of that town planner shall not have effect; or
- (c) direct that the name of a town planner be deleted from the Register.

(2) The Registrar may cause to be published in the local newspaper widely circulating in Tanzania, the name, address and qualification of a person whose name has been deleted from the Register.

18. (1) Any person whose conduct is being inquired into shall be entitled to appear and to be heard.

Proceedings at inquiry

(2) For the purpose of proceedings during the inquiry the Board shall have power

- (a) to administer oaths;
- (b) to summon persons to attend and give evidence; and
- (c) to order production of documents.

(3) All summonses and orders issued under the hand of the Chairman or the Vice-Chairman of the Board shall be deemed to have been issued by the Board.

(4) The Chairman, or in his absence the Vice-Chairman shall record or cause to be recorded a summary of any oral evidence given at an inquiry.

(5) The Board shall, in not less than twenty-one days prior to the date of the inquiry, notify the person against whom inquiry is to be held.

Disobedience of summons and refusal to give evidence

19.-(1) Any person upon whom a summons or an order issued under the provisions of section 18 has been served, refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief any question asked by or with the concurrence of the Board, or refuses or omits without sufficient cause to produce any documents in possession or under his control, commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months or to both.

(2) Notwithstanding the provisions of subsection (1), a person giving evidence before the Board shall, in respect of any evidence given, be entitled to all privileges to which a witness before the High Court is entitled.

Appeals

20. Any person who is aggrieved by a decision of the Board to refuse to register his name, or to delete his name from the Register, or to refuse to restore his name or to suspend the effect of registration may appeal to the High Court.

PART VI

RESTRICTION ON PRACTISING AS TOWN PLANNER

Effect of registration

21. A person registered as a town planner shall be entitled to offer service to the public for gain, reward or by way of trade.

Restriction on the use of title

22. Any person who is not a registered town planner and who

(a) practises as a town planner;

(b) uses the style or title "Registered Town Planner" or any other name, style, title or description implying, whether in itself or in the circumstance in which it is used that such person is a town planner;

(c) holds himself out, whether directly or by implication, to be a town planner.

commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings and not less than three hundred thousand shillings or to imprisonment for a term not exceeding two years but not less than three months or to both.

23. (1) A body whether corporate or otherwise shall not carry out business or practice as a town planner unless at least one of the partners, members or share holders is a person registered under this Act.

Bodies of
persons
operating
as
registered
town
planner

(2) Notwithstanding the provisions of subsection (1), where a shareholder, partner or member registered under this Act, dies or ceases to be registered as such, that body corporate or incorporated may continue to carry on business or practice until such time as administration of the estate of the deceased is completed, as if legal representatives were registered town planners.

(3) Nothing in this Act shall be construed as entitling any body of persons whether corporate or otherwise, to be registered as town planner.

(4) Any body or body of persons who carry out practice as town planner in contravention of this section, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings but not less than three hundred thousand shillings or imprisonment for a term not less than three years but not more than six years or to both.

24. For the purposes of this Act, a person shall be deemed to be carrying out business or practising as a town planner if, for a fee, reward or other valuable consideration that person offers or renders services as a town planner to any person, whether or not under a contract.

Practising
as a town
planner

25. Any person who

Offences
relating to
registration

(a) fraudulently makes, or causes or permits to be made any false or incorrect entry in the Register;

(b) fraudulently procures, or attempts to procure whether for him or for another person, registration as a town planner; 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, commits an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings but not less than one hundred thousand shillings or to imprisonment for a term not exceeding two years but not less than three months or to both.

PART VII GENERAL PROVISIONS

Sources
of the
funds

26. The sources of funds of the Board shall consist of-

- (a) such sum as may be appropriated by Parliament;
- (b) any sum which the Board may receive by way of grant from the Government or loan;
- (c) any sum which the Board may borrow for the purposes of the Board; and
- (d) any sums which may, in any manner, become payable to or vested in the Board either under the provisions of this Act or any other written law.

Accounts,
auditing
and
reports

27. (1) The Board shall cause to be kept proper books of accounts and, shall as soon as practicable, after the end of each financial year, audit the accounts relating to that financial year -

(2) The Board shall within five months after the close of the financial year, cause to be prepared and submit to the Minister a report dealing generally with the activities and operation of the Board during that year and accompanied by-

- (a) a copy of the audited accounts of the Board;
- (b) a copy of the auditor's report on the accounts; and
- (c) any other information which the Minister may direct.

(3) The Minister shall within not more than three months, after receiving the accounts and reports, lay them before the National Assembly.

28. (1) The Board may with approval of the Minister, make rules for the following matters

Rules

- (a) to regulate the standards of professional conduct of town planners;
- (b) prescribing fees for application, registration, annual subscription, the issue of certificates of registration, extracts from the register or copies of the list or in relation to entries in the register.

(2) Rules made under this section shall be published in the *Gazette* and at least any other two local newspapers circulating widely in Tanzania.

29. No act or proceeding of the Board shall be invalid by reason only of the number of the members not being complete at the time of such act, or proceedings, or of any defect in the appointment of any member, or of the fact that any member was at the time in question disqualified or disentitled to act as such.

Validity of proceedings of the Board.

30. Where, upon coming into operation of this Act, a person was authorized to practice town planning in accordance with the law governing town planning, that person shall be allowed to continue practicing as such for a period of twelve months following which every town planners shall be required to register and observe the provisions of this Act.

Transitional provision

31.-(1) The Minister may make regulations generally for the better carrying out of the purposes of this Act.

Minister may make regulations

(2) Without prejudice to the generality of subsection (1), the regulation may provide for -

- (a) the conduct of inquiry under this Act;
- (b) fees to be paid for inspection of the Register;
- (c) exemption of any person or class or persons from all or any of the provisions of this Act; and
- (d) anything which is permitted or required by this Act to be prescribed.

FIRST SCHEDULE

COMPOSITION AND PROCEEDINGS OF THE BOARD

(Made under section 4(3))

Member- ship of the Board	1. The Board shall consist of eight members appointed by the Minister as follows (a) a Chairman who shall be a distinguished, eminent and experienced town planner in public or private sector; (b) one person who is a public officer and a member of Town Planners Association of Tanzania; (c) three persons appointed from among persons engaged in private practice as registered town planner; (d) a State Attorney from the Office of the Attorney-General; (e) a town planner employed by a local government authority; and (f) two persons from institutions of higher learning being members of the Town Planners Association of Tanzania.
Tenure of office	2. (1) A member of the Board shall hold office for a period of three years and shall be eligible for re-appointment for a second term. (2) The office of a member appointed under paragraph 1 shall become vacant (a) if he ceases for any reason to be a member of the Town Planners Association of Tanzania; (b) if he resigns his office by written notice addressed to the Minister; (c) at the end of three years from the date of his appointment; or (d) upon death. (3) Any casual vacancy shall be filled by the Minister by appointment.
Chairman and vice- chairman	3. The Board shall elect one of its members to be the Vice-Chairman.
Meetings of the Board	4. (1) The Board shall convene an ordinary meeting when it deems necessary or expedient, not less than two times in every year and shall appoint a suitable time, place and date for holding such meeting. (2) The Chairman may at any time on his own initiative convene a special meeting of the Board or shall convene a special meeting of the Board within twenty days after he has received a written request to do so signed by not less than four members of the Board.

(3) The Chairman, or when absent, the Vice-Chairman shall preside at the meetings of the Board and in the absence of both the Chairman and vice-chairman the members present at the meeting shall elect one of the number to be the Vice-Chairman of the meeting.

5.-(1) A simple majority of the members of the Board shall constitute a quorum at any meeting of the Board.

Quorum
at
meetings
of the
Board

(2) All matters for consideration by the Board or acts to be done by the Board shall be decided by a resolution at a meeting of the Board at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the board shall be deemed to be a decision of the Board.

(4) Every member of the Board shall have one vote, and in the event of an equality of votes, the Chairman shall have a second or casting vote in addition to the deliberative vote.

(5) Notwithstanding the provisions of sub-paragraph (2), where the Chairman so directs, a decision may be made by the Board without the Board meeting by circulation of the relevant papers among all the members and requiring each member to express views in writing; but, any member may require that a decision to be deferred for consideration at a meeting of the Board. In such a case, no decision shall be made until there has been a meeting of the Board.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy among the membership or by any defect in the appointment of a member.

6.-(1) Minutes in proper form of each meeting of the Board shall be kept, and shall be confirmed by the Board at the next meeting and signed by the person presiding at the meeting.

Minutes
of
meetings
and
appoint-
ment of
secretary

(2) The Registrar shall be the Secretary to the Board and shall attend and keep minutes of the meetings of the Board and perform such other duties as the Board may require.

7. Subject to this Schedule and to any regulations made under the Act, the Board may regulate its own procedure.

Procedure

8. The seal of the Board shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman and one other member of the Board.

The seal
of the
Board

SECOND SCHEDULE

FORM TPR -1

APPLICATION FOR REGISTRATION
(Made under section 10(2))

PART A

DETAILS OF APPLICANT

1. Name of proponent (Individual Expert):
2. TIN No
3. Address:
4. Name of contact person:
5. Business registration No. (Where applicable) Date:
6. Address:
7. Telephone No: Fax No:
8. E-mail:
9. Academic professional qualifications (of Individual Expert):
.....
10. List of professionals and their academic professional qualifications and their
nationalities (where applicable):
11. Experience in Town Planning and related activities:
.....
.....
12. Purpose of lodging the application for registration as individual:
.....
.....
13. Previous registration No. and date of registration (if applicable):

PART B

DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

.....
Signature of applicant

.....
Full Name in Block letters

.....
Position

PART C

FOR OFFICIAL USE

Approved Not Approved:

Comments:

Officer Signature..... Date

Important notes: Please submit the following:

- (a) Application form in duplicate;
- (b) Curriculum vitae of all applicants; and
- (c) Prescribed fees, to:

Chairman.

Town Planners Registration Board .

P.O. Box

Dar es Salaam, TANZANIA.

Tel. Fax

Application Reference No:

Registration No:

FORM TPR -2

THE UNITED REPUBLIC OF TANZANIA



THE TOWN-PLANNERS (REGISTRATION) ACT, 2007

CERTIFICATE OF REGISTRATION
(Made under section 8(4))

Town Planner Reg. No.

This is to certify that M S: of P.O.
Box has been
registered as in accordance with
the provisions of the Town Planners (Registration) Act, 2007 and is authorized to
practice in the capacity of a Town Planner in Tanzania.

And shall provide expertise in the following fields:

.....
.....
.....

Dated this day of 20

Signature:.....

(Seal)

Chairman,

Town Planners Registration Board.

FORM TPR -3

REGISTER OF TOWN PLANNERS
(Made under section 9(2))

Name of Individual Firm	Registration No.	Date of Registration	Contact Address	Experience & Category	Signature of Filing Officer

Passed in the National Assembly on the 12th April, 2007.DAMIEN S. L. FOKA,
Clerk of the National Assembly