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THE WILDLIFE CONSERVATION ACT, 2009

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THE UNITED REPUBLIC OF TANZANIA

No. 5 OF 2009

I ASSENT,
JAKAYA MRISHO KIKWETE
President

12th March, 2009

An Act to make better provisions for the conservation, management, protection and sustainable utilisation of wildlife and wildlife products; to repeal the Wildlife Conservation Act Cap. 283 and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Section *title*

1.–(1) This Act may be cited as the Wildlife Conservation Act, 2009. Short title and commencement

(2) This Act shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

2. This Act shall apply to Mainland Tanzania. Application

3. In this Act, unless the context otherwise requires - Interpretation

"aerodrome" means a defined area on land or water (including any

buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"animal" means any kind of vertebrate and invertebrate animal and the young and egg thereof, other than domestic animals;

"animal tushes" means the tooth or teeth that protrude from the mouth of warthogs, bush pigs or animals in the family of Suidae;

"authorised association" means a community-based organisation whose primary objective is to conserve wildlife resources for the benefit of local community members ordinarily residing in that particular area;

"authorised officer" means the Director of Wildlife, a wildlife officer, wildlife warden, wildlife ranger or police officer, and includes the following -

(a) an employee of the Forest and Beekeeping Division of, or above the rank of forest ranger;

(b) an employee of the national parks of, or above the rank of park ranger;

(c) an employee of the Ngorongoro Conservation Area of, or above the rank of ranger;

(d) an employee of the Fisheries Division of, or above the rank of fisheries assistant;

(e) an employee in a Wildlife Management Area of a designation of a village game scout;

(f) an employee of the Marine Parks and Reserve of, or above the rank of marine parks ranger;

(g) an employee of the Antiquities Division of, or above the rank of conservator of antiquities; and

(h) any other public officer or any person, who shall be appointed in writing by the Director;

"Board" means the Board of Trustees of the Tanzania Wildlife Protection Fund established by Section 91;

"buffer zone" means an area surrounding a conservation area which the Minister may, by notice in the Gazette declare in relation to the conservation area;

"captive breeding" means rearing of an animal in a controlled environment for commercial or conservation purposes;

"capture" includes any act directed at the taking of any animal, nest or egg;

"CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973 and includes any appendices

thereto and any resolutions of the Conferences of the Parties;

"closed season" means a period declared by the Minister under section 26;

"Commissioner of Customs" includes a customs officer employed by the Tanzania Revenue Authority;

"conservation" in relation to the wildelife, means protection, management and sustainable utilization of wildlife resources, habitat, ecosystem and the non-living environment supporting such resources, habitat or ecosystem with actual or potential use or value;

"conservation area" means -

(a) a game reserve established under section 13;

(b) a game controlled area established under section 15;

(c) a corridor area, migratory route, buffer zone and dispersal area designated under section 21;

(d) a Wildlife Management Area established under section 31;

(e) a national park established under the National Parks Act; Cap. 282

(f) the Ngorongoro Conservation Area established by the Ngorongoro Conservation Area Act; Cap. 284

(g) a conservation area established under the Antiquities Act; Cap. 333

(h) a marine reserve established under the Marine Parks and Reserves Act; Cap 146

(i) a forest reserve established under the Forest Act; and Cap. 323

(j) any other conservation area.

"consumptive use" means the taking of flora or the hunting or capturing of fauna in accordance with the provisions of this Act or any other protected law;

"core protected area" means a national park, game reserve, wetlands reserve, the Ngorongoro Conservation Area and any other protected area declared under this Act or any other written law;

"dangerous animal" means any animal specified in the Fourth Schedule to this Act;

"Director" means the Director of Wildlife appointed under section 7;

"dispersal area" means an area habitually used by wild animal species for feeding, laying, storing eggs, rearing or feeding their young, and includes breeding places;

"dwelling house" means any building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, irrespective of whether it is not Cap. 16

regularly used, and includes a building or structure adjacent to or occupied with dwelling house if there is communication between that building or structure and the dwelling house,either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

"export" means to take or cause any trophy to be taken to any place outside the country;

Cap.191 "Environmental Impact Assessment" shall have a meaning ascribed to it under the Environmental Management Act;

"farming" means intensive husbandry, breeding or raising of one or more wild animal species on a totally enclosed surface area that is less than twenty five hectares in a manner that tends to domesticate the animal or animals, with a view to engaging in different forms of wildlife

Cap.279 utilization;

"fish" shall have the meaning assigned to it under the Fisheries Act;

"foreign livestock" means a livestock grazed in a game or wetland reserve in contravention of section 17 the owner of which-

(a) is not a Tanzanian and resides outside Tanzania;

(b) resides within Tanzania illegally;

(c) his ownership is entrusted to a person living in Tanzania while the owner resides or ought to reside outside Tanzania;

"Fund" means the Tanzania Wildlife Protection Fund;

"game" means any animal specified in the Schedules to this Act and includes the eggs and young of any such animal;

"game animal" means a mammal, amphibian, bird, reptile, insects and includes eggs and young of the aforementioned;

"game bird" means any bird specified in Part B of the Second Schedule to this Act and includes the eggs and young thereof;

"game controlled area" means any area declared to be a game controlled area by an order made under section 15;

"game reserve" means any area declared to be a game reserve by an order made under section 13;

"game sanctuary" means a place where wild animals are reared in captivity in a natural state, primarily for educational and recreational purposes;

"hide" means any form of man-made screen, fence, platform, pit or ambush intended to conceal a hunter;

Act No.13 of 2007 "highway" shall have the meaning assigned to it under the Road Act;

"horn" includes rhinoceros horn;

"hours of darkness" means the period commencing at 6.30 p.m. on any

day and expiring at 5.30 a.m. on the following day;

"hunting" includes any act directed or incidental to the killing of any animal;

"hunting block" means any area with game animals which has been delineated or set aside and approved by the Director for trophy hunting;

"hunting licence" means any licence issued under Part VII for the hunting of an animal;

"indigenous knowledge systems" means the systems of norms, cultures, rites, rituals and other wildlife conservation and management related practices of traditional communities which have been proved to enable the communities interact with, and utilise wildlife resources in a sustainable manner;

"ivory" means elephant tusk;

"licensing officer" means a wildlife officer designated as such by the Director under sub-section 7(5);

"livestock" includes cattle, sheep, goats, pigs, horses, mules, donkeys and all other domesticated animals and their eggs and young;

"Manager of the Fund" means a person who manages day to day activities of Tanzania Wildlife Protection Fund;

"manufactured trophy" means any article made either wholly or partly, of or from any durable part of an animal by subjecting such part to any chemical or mechanical process, tanning, sewing or other process whatsoever;

"meat" includes the fat, blood or flesh of any animal whether fresh, dried, pickled or otherwise preserved;

"mechanically propelled vehicle" means all vehicles, including watercraft and aircraft, which receive their motive power from internal combustion, steam, reaction or electrical propulsion;

"migratory route" means an area of a strip or zone of land used by herds of wild animals during their migratory cycles or seasonal movements;

"Minister" means the Minister responsible for wildlife;

"national game" means any animal declared as such by the Minister under section 24;

"national park" means an area set aside as a national park under the National Parks Act; Cap.282

"non-consumptive use" means the use of scenery, cultural and natural resources that does not involve taking any specimen from the scene, cultural site or the wild and includes game viewing, bird watching, walking safaris, hiking, canoeing, boating, scuba diving, mountaineering and any other similar or related activity;

"non-consumptive wildlife tourism" means game viewing, walking safaris, campaing, balloon safaris, canoe rafting, bird watching, sport fishing, hiking, mountain climbing, expeditions, documentary and commercial photographing, video shooting, filming, cinematograph, and includes any other activity of similar nature directed at dawing leusure out of the use of wildlife;

"orphanage centre" means a place where wild animals incapacitated by reason of physical disability or without parent care, are kept in captivity for their survival;

"owner" in relation to any land means the person holding or deemed by any written law to be holding a right of occupancy over the land and includes a lessee, a mortgagee in possession and any person authorized by the owner, lessee or mortgagee to act on his behalf or in his absence;

"photographing of wildlife" means an act of taking picutures of any animal or process, and includes cinematography, video shooting and filming of wildlife or its habitat;

"protected area" means an area of land or sea specifically protected for maintenance of biological diversity, natural or associated cultural resources and managed through legal or other effective means;

"protected species" means any species declared under section 94;

"purhcase" and "sell" includes barter;

"road" means any highway and any other road to which the public has access and includes bridges over which a road passess but does not include a road or part of a road within the cartilage of a dwelling house;

"scheduled animal" means an animal specified in the Third Schedule to this Act;

"specified animal" means an animal specified in the Second Schedule to this Act;

"species" means any species, subspecies or geographically separate population thereof;

"species management area" means an area of land or water that is subjected to active intervention for management purposes in order to ensure the maintenance of habitat or to meet the requirements of specific species;

"specimen" means-

(a) any animal or plant, whether alive or dead;

(b) in the case of an animal: for species included in Appendices I and II of CITES and any readily recognizable part or derivate thereof; and for species included in Appendix III of CITES, any readily recognizable part of derivative thereof specified in Appendix III of CITES;

(c) in the case of a plant: for species included in Appendix I of CITES, any readily recognizable part of derivative thereof; and species included in Appendices I and II of CITES, any readily recoginizable part of derivative thereof specified in Appendices II and III of CITES in relation to the species;

"traditional community" means an assemblage of people ordinarily resident on areas habitually occupied by wildlife and whose social, cultural and ordinary lifestyles are dependent upon wildlife and who have been declared by an order made under section 44;

"trophy" means any animal alive or dead, and any horn, ivory, tooth, tursh, bone, claw, hoof, skin, meat, hair, feather, egg or other portion of any animal and includes a manufactured trophy;

"trophy dealer" means any person who is licensed to capture, buy, sell, keep, transport, cut, carve, polish, clean, mount, preserve or process trophies for commercial purposes;

"trophy hunting" means hunting as prescribed under the Tourist Hunting Regulations;

"unit" means the Wildlife Protection Unit established under section 9; GN. No. 306 of 2000

"vehicle" means a vehicle of any description whatsoever and howsoever drawn or propelled, and includes a vessel and an aircraft;

"vessel" means a ship, boat, dhow, submarine and every other kind of watercraft used in navigation, either on the sea or in inland waters and includes a seaplane and any amphibious craft;

"weapon" means any firearm, ammunition, dart-gun, missile, explosive, poison, poisoned bait, spear, bow and arrow, knife, axe, hoe, pick, club, stakes, pitfall, net, gin, trap, snare or any combination of these and any other device, method and or technology whatsoever capable of killing or capturing an animal;

"wetlands" means an area of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary with water that is static or flowing, fresh or otherwise, including marine water, the depth of which at low tide does not exceed six metres and includes riparian or

coastal zones adjacent to such area, and islands or bodies of marine water deeper than six metres at low tide laying within such areas;

"wetlands area" means any area managed as a wetlands area under section 15(3);

"wetlands reserve" means any area managed as a wetland reserve under section 15(3);

"wildlife" means any wild and indigenous animals and plants, and their constituent habitats and ecosystems found on and, or in land or water, as well as exotic species that have been introduced in Tanzania and established in the wild, and includes wild animals on transit, temporarily maintained in captivity or have become established in the wild;

"wildlife corridor" means the area of land used by wild animal species in their seasonal movements from one part of an ecosystem to another, in search of basic requirements such as water, food, space and habitat;

'Wildlife Management Area' means an area declared by the Minister under section 30;

"wildlife officer" means a wildlife officer, wildlife warden and wildlife ranger engaged for the purposes of enforcing this Act ;

"wildlife protected area" means national parks, game reserve, game controlled areas and the Ngorongoro Conservation Area ;

"wildlife ranch" means an area of extensive multiform utilization of species of wildlife where a wide range of complimentary uses are professionally managed so as to render the animals compatible of / tourist hunting, sport hunting, cropping, sell of live animals, tourism and sport fishing;

"wound" means any incision or puncture which divides or pierces any exterior membrane of the body and includes maiming;

"zoo" means a place where wild animals are kept in captivity for recreation, research and educational purposes.

Ownership of animals

4.—(1) All animals in Tanzania shall continue to be public property and remain vested in the President as a trustee for and on behalf of the people of Tanzania.

(2) Where any person has lawfully taken a wild animal, the ownership of such animal shall, subject to the provisions of this Act, vest in that person.

(3) Where a protected wild animal species has been lawfully taken under a permit or a licence issued or wildlife user right granted or issued

under this Act, the ownership of such animal shall, subject to the provisions of this Act and to the terms and conditions of the licence, vest in the licensee or right holder.

(4) Where before the commencement of this Act, any wild animal has been lawfully vested in any person, such animal shall, subject to the provisions of this Act vest or continue to be vested in that person.

(5) Except in accordance with any licence or wildlife user right, nothing in this section shall be deemed to transfer to any person the ownership of any protected animal found dead or dying.

(6) Where any person unlawfully takes any protected animal in contravention of this Act, the ownership of the animal shall not be transferred to that person.

(7) The Minister may, by regulations, prescribe measures for the registration and management of animal specimens used for cultural purposes by any traditional community.

PART II
OBJECTIVES

Objectives of the Act

5.-(1) The objectives of this Act and to which all persons exercising powers, applying or interpreting this Act are to -

(a) protect and conserve and administer areas with great biological diversity, including wetlands which are representative of the major wildlife habitats by also giving special conservation status to endemic, rare or endangered wildlife species and to enable Tanzania to effectively contribute and benefit from international efforts and measures to protect and enhance global bio-diversity;

(b) protect and conserve wildlife resources and its habitats in game reserves, wetland reserves, game controlled areas, wildlife management areas, dispersal areas, migratory route corridors, buffer zone and all animals found in areas adjacent to these areas, by putting in place appropriate infrastructure, sufficient personnel and equipment;

(c) promote and enhance the contribution of the wildlife sector to the sustainable development of Tanzania and the conservation and management of wildlife and natural resources for the benefit of present and future generations, without any discrimination;

(d) promote and enhance the development of wildlife eco-system as well as development of protected areas network for purposes of enhancing bio-diversity conservation;

(e) support, strengthen and enlarge the wildlife protected areas network as the core of conservation activities;

(f) enhance the conservation of wildlife and its habitats outside wildlife protected areas by establishing Wildlife Management Areas for the purposes of effecting community based conservation;

(g) encourage, promote and facilitate active involvement and participation of local and traditional communities in the sustainable management, use and conservation of wildlife resources in and outside wildlife protected areas network;

(h) integrate wildlife conservation with rural development through the transfer of the management responsibility of Wildlife Management Areas to local communities and ensure that the local communities obtain substantial tangible benefits from wildlife conservation;

(i) foster sustainable and legal use of wildlife resources and take appropriate measures to prevent illegal use of wildlife;

(j) facilitate greater public awareness of the cultural, economic and social benefits for conserving wildlife resources and to enhance the recognition of indigenous knowledge systems of wildlife conservation and management and the intrinsic value of wildlife to rural people in wildlife management plans;

(k) mitigate human-wildlife conflicts wherever they occur;

(l) create an enabling environment for the private sector to invest in different forms of wildlife utilization and conservation and to create an opportunity for the citizens of Tanzania to become involved in the wildlife industry; and

(m) enable Tanzania to participate in relevant international agreements and to promote policies within the framework of such agreements as are consistent with Tanzania's position

on wildlife conservation, and co-operate with neighbouring countries in the conservation of trans-boundary eco-systems.

(2) For the puposes of giving effect the provisions of subsection (1), any person who has a right in any land within an area declared to be a game reserve shall be entitled to adequate compensation as per the provisons of the Land Acquisation Act and Land Act. Cap 118 and 113

6. Any person exercising powers under this Act shall be under general obligation to promote and have regard to the Wildlife Policy of Tanzania. Promotion of the Wildlife Policy

PART III
INSTITUTIONAL ARRANGEMENT AND ADMINISTRATION

7.—(1) There shall be a Director of Wildlife who shall be an officer in the public service appointed in accordance with the Public Service Act. Director of Wildlife Cap.298

(2) The Director shall be a civil servant with proven academic and professional knowledge in wildlife sciences.

(3) The Director shall be the officer incharge of the Wildlife Division;

(4) The Director shall be the principal advisor to the Government in all matters related to conservation and management of wildlife and wildlife products and shall be assisted by wildlife officers, wildlife wardens and wildlife rangers.

(5) The Director shall designate suitable wildlife officers to be licensing officers for purposes of this Act.

(6) The Director may, by notice in the Gazette or by writing, delegate his functions to an Assistant Director, a Zonal Ant-poaching Commander, District Game Officer, a Game Reserve Wildlife Officer, a Park Warden and any other authorised officer.

(7) Where, pursuant to subsection (6), the Director has delegated any function, it shall be prima facie evidence of such delegation as well

as the fact that the person whose signature appears thereon held and exercise the power of the Director.'

Wildlife Authority

8. The Minister shall, in consultation with relevant authorities and subject to other written laws, cause the establishment of a Wildlife Authority which shall be autonomous and whose structure and functions adequately addresses the protection, management and administration of wildlife resources outside the Ngorongoro Conservation Area and National Parks and which shall be capable of implementing and fulfilling international obligations relating to wildlife conservation by engaging such companies for purposes of this section.

Issuance of honorary certificate

9. The Minister may issue a honorary certificate to any person who-

(a) has provided service for a period of at least twenty years in wildlife conservation in recognition of exemplary services; or

(b) has made or provide a signficant contribution towards the conservation of wildlife.

Minister to establish the Wildlife Protection Unit

10.-(1) The Minister shall, after consultation with the relevant authorities responsible for defence and security and with the consent of the President, establish a para-military unit to be known as the Wildlife Protection Unit.

(2) The Unit shall consist of such number of public servants as the Minister may, in consultation with the Director, determine from amongst wildlife officers, wildlife wardens and wildlife rangers.

Functions of the Unit

11. The functions of the Unit shall be the protection of wildlife against unlawful utilization relating to the hunting, capturing and photographing of wildlife and securing of trophies.

Administration of the Unit

12.–(1) The administration of the Unit shall be vested in the Director and for that purpose the Unit shall be organized in such zones and deployed according to such areas or places as the Director may determine.

(2) The Minister shall, after consultation with the relevant authorities responsible for defence and security and with the consent of the President and by regulations in the Gazette, provide for -

(a) the organization and deployment of the Unit, the conditions and terms of service and the various grades-ranks and appointments in it;

(b) the duties to be performed by members of the Unit, and their guidance in the discharge of those duties;

(c) the regulation of matters relating to discipline in the Unit;

(d) the description, use, acquisition of arms, ammunition, accoutrements, uniforms and other necessary supplies to members of the Unit; and

(e) matters relating generally to the good order and administration of the Unit.

Right to possess and use firearms and ammunition Cap. 223

13.-(1) For the purposes of carrying out their functions and duties, members of the Unit shall, subject to provisions of Arms and Ammunition Act, have the right to possess and use suitable and appropriate firearms and ammunition for the purpose of this Act.

(2) Every member of the Unit shall have the powers and privileges as conferred upon other forces by the provisions of their respective laws relating to the use of firearms and ammunition.

(3) Any authorised officer in the wildlife sector in enforcing the provisions of this Act, may use a firearm against any person who, having committed an offence is -

(a) escaping or attempting to escape arrest; or

(b) resisting the arrest,

where that officer has reasonable grounds to believe that he cannot otherwise prevent the escape and has given a warning to such person that he is about to use such arm against him and such warning is unheeded.

(4) Any authorised officer in the wildlife sector in enforcing the provisions of this Act, may use a firearm against any person who -

(a) by force prevents or attempts to prevent the lawful arrest of any other person; or

(b) by force, rescues or attempts to rescue any other person from lawful custody.

(5) Any authorised officer in the wildlife sector in enforcing the provisions of this Act, may use a firearm against any person where such authorised officer has reasonable grounds to believe that the officer or any other person is in danger.

(6) The power conferred on an authorised officer in the wildlife sector by this section shall be in addition to and not in derogation of any other power conferred to such officer by any other law.

(7) Notwithstanding the provisions of subsection (1), wildlife officers shall, subject to the Arms and Ammunition Act or any other written law have the right to possess and use firearms.

(8) For the purpose of this section, "authorised officer" means a wildlife officer discharging duties in the Wildlife Division, the Tanzania National Parks, the Ngorongoro Conservation Area, a District Game Officer and include any wildlife officer, warden and wildlife ranger discharging duties under the District Game Officer.

PART IV
WILDLIFE PROTECTED AREAS AND GENERAL RESTRICTIONS

(a) Game Reserve, Game Controlled Area, Wetlands Reserve and Wetlands Area

Establishment of game reserve

14.–(1) The President may, after consultation with relevant local authorities, and by order, in the Gazette declare any area of Tanzania to be a game reserve.

(2) The President may, by order in the Gazette, apply any condition applicable to a game reserve to any area of Tanzania and upon such order being made the condition specified therein shall apply to the area in relation to which the order is made as if such area were a game reserve, and any contravention of such condition in or in relation to such area shall be punishable accordingly.

Restriction on entry a game reserve

15.–(1) Any person other than a person travelling through the reserve along a highway or designated waterway shall not enter a game reserve except by and in accordance with the written authority of the Director previously sought and obtained.

(2) Any person who contravenes any provision of this section or any condition attached to any authority granted under subsection (1), commits an offence and on conviction shall be liable to a fine of not less than one hundred thousand shillings, but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than one year but not exceeding three years or to both

Establishment and management of game controlled areas, wetlands reserve and wetlands area Cap.113

16.-(1) Subject to section 4(2) of the Land Act, the Minister may, after consultation with the relevant local authorities, and by order in the Gazette, declare any area of land in Tanzania to be a game controlled area.

(2) The Minister may, by regulations in the Gazette, provided for the management of game controlled areas.

(3) Subject to subsections (2) and (3) of section 58 of the Environmental Management Act, the Minister may, in consultation with the Minister responsible for environment, cause to be made regulations and guidelines prescribing for establishment of sustainable management of wetlands reserves and wetlands area.

(4) The Minister shall, within twelve months after coming into operation of this Act and after consultation with the relevant authorities, review the list of game controlled areas for purposes of ascertaining potentiality justifying continuation of control of any of such area.

(5) For the Purposes of subsection (4), the Minister shall ensure that no land falling under the village land is included in the game controlled areas.

(6) Subject to subsection (4), the Minister shall, in consultation with the relevant authorities, make regulations prescribing the manners in which sustainable management of game controlled areas shall be achieved.

Restriction on possession of weapon in game reserve

17.-(1) A person shall not possess a firearm, bow, arrow or any other weapons in a game reserve without the written permission of the Director previously sought and obtained.

(2) A person who contravenes subsection (1) commits an offence and on conviction shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

(3) Illegal possession of weapons does not include a person charged for an offence of possession of weapons taking into account all the

circumstances in which the offence was committed and was not meant for hunting or harming animals.

Protection of vegetation in game reserve and wetlands reserve

18.–(1) A person shall not wilfully or negligently cause any bush or grass fire, or fell, cut, burn, injure or remove any standing tree, shrub, bush, grass, sapling, seedling or any part thereof in a game reserve except in accordance with the written permission of the Director previously sought and obtained.

(2) Any person shall not graze any livestock in a game reserve or wetlands reserve.

(3) Any person who contravenes subsection (1) commits an offence and on conviction shall be liable to a fine of not less than two hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both.

(4) Any person who contravenes subsection (2) commits an offence and on conviction shall be liable to a fine of not less than three hundred thousand shillings and not exceeding five million shillings or imprisonment for a term of not less than two years but not exceeding five years or to both.

(5) Notwithstanding the provisions of subsection (4), where the offence under this section involves foreign livestock, the owner or caretaker, shall be liable to a fine of not less than the value of the livestock involved or imprisonment for a term not less than three years but not exceeding five years or to both.

Hunting in game reserve, game controlled area or wetlands reserve

19.–(1) A person shall not, save with the permission in writing of the Director, previously sought and obtained and in the manner specified in writing, hunt, burn, capture, kill, wound or molest any animal or fish in any game reserve, game controlled area or wetlands reserve.

(2) Any person who contravenes the provisions of this section or any condition attached to any authority granted under subsection (1), commits an offence and on conviction shall be liable -

(a) in the case where the conviction relates to the hunting, capture

or killing of an animal specified in Part I of the First Schedule to this Act, to imprisonment for a term not less than five years but not exceeding ten years and the court may, in addition thereto, impose a fine of five hundred thousand shillings but not exceeding two million shillings;

(b) in the case where the conviction relates to the hunting, capture or killing of an animal specified in Part II of the First Schedule to this Act, to imprisonment for a term of not less than two years but not exceeding five years and the court may, in addition thereto, impose a fine of not less than three hundred shillings but not exceeding five hundred shillings;

(c) in the case where the conviction relates to the hunting, capture or killing of an animal specified in Part III of the First Schedule to this Act, to imprisonment for a term of not less than one year but not exceeding three years and in addition the court may impose a fine of not less than one hundred thousand shillings but not exceeding one million shillings; and

(d) in the case of any other offence, to a fine of not less than two hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than one month but not exceeding six months.

Other restrictions applying to game reserve, wetlands, reserve and game controlled area

20.– (1) Any person shall not within any game reserve, wetlands reserve or game controlled area -

(a) dig, lay, or construct any pitfall, net, trap, snare or use other device whatsoever, capable of killing, capturing or wounding any animal;

(b) carry or have in his possession or under his control any weapon in respect of which he fails to satisfy the Director that it was intended to be used for a purpose other than hunting, killing, wounding or capturing of an animal; or

(c) conduct crop cultivation.

(2) Any person shall not collect sand, prospect or mine on any game reserve.

(3) Notwithstanding the provisions of subsection (2), a person may prospect or mine in a game reserve if the undertaking involves or is intended for prospecting or mining of -

(a) oil;
(b) gas; or
(c) uranium;

Provided that -

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(i) Environmental Impact Assessment has been conducted in accordance with the Environment Management Act;
(ii) protection cost has been paid by the investor as shall be prescribed in the regulations;
(iii) concession fee has been paid in accordance with the regulations made by the Minister; and
(iv) the Government is the initiator of such undertaking.

(4) Any person who contravenes this section commits an offence and on conviction shall be liable to a fine of not less than two hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both.

Restrictions on grazing livestock in a game controlled area

21.-(1) Any person shall not, save with the written permission of the Director previously sought and obtained, graze any livestock in any game controlled area.

(2) Any person who contravenes this section commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or imprisonment for a term of not less than one year but not exceeding five years, or to both.

(b) Protection of Wildlife Corridor, Dispersal Area, Buffer Zones and Migratory Routes

Designation of wildlife corridors, dispersal areas, buffer zones and migratory routes

22.-(1) The Minister may, in consultation with relevant local authorities and by order in the Gazette, designate wildlife corridors, dispersal areas, buffer zones and migratory routes.

(2) The Minister may, after consultation with the relevant local authorities, prescribe for regulations in the Gazette to govern the management of designated wildlife corridors, dispersal areas, buffer zones and migratory routes.

(3) Regulations made by the Minister under subsection (2) of this section shall declare rights of communities that are compatible with conservation.

(c) Species Management Areas

Establishment of species management areas

23.-(1) The Minister may, in consultation with the relevant local government authority and by order in the Gazette, declare any area to be a species management area.

(2) A species management area shall be established for purposes of protecting any animal or class of animals or their habitat.

Restrictions relating to a national game

24.–(1) Any person who without the permission of the Director previously sought and obtained, cuts or burns vegetation, hunts,captures, wounds, injures, molest or kill any protected species in species management area, commits an offence and on conviction shallbe liable -

(a) in the case of a conviction for hunting, capturing or killing a protected animal, to imprisonment for a term of not less than three years but not exceeding seven years or to payment of a fine of not less than twice the value of the animal hunted, killed or captured or to both.

(b) in any other case, to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than three months but not exceeding two years.

(2) Any person shall not wound, injure or molest any protected species.

(d) Declaration of a National Game

Declaration of a national game

25.–(1) The Minister may, by order in the Gazette, declare any animal or class of animals to be a national game.

(2) The Minister may make regulations prescribing the manner in which the national game and other animals may be used for commercial purposes.

Restriction relating to a national game

26.-(1) A person shall not, except by and in accordance with the written permission of the Director, previously sought and obtained, hunt, kill, capture, wound or molest any national game.

(2) A person who contravenes any condition attached to any permission granted under subsection (1), commits an offence and shall be liable on conviction -

(a) in any case where the conviction relates to the hunting, capture or killing of a national game, to a fine not less than twice the value of the animal hunted, killed or captured or to imprisonment for a term of not less than one year and not exceeding five years; and

(b) in any other case, to a fine of not less than three hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than twelve months but not exceeding three years.

(e) Closed Season

Declaration of closed season

27. The Minister may, by order in the Gazette, prohibit, restrict or regulate the hunting, killing or capture of any animal or class of animals in any area during such period as he may specify in such order and such period so specified is hereinafter referred to as "closed season."

Restrictions relating to closed season

28.—(1) Where an order has been made under section 26 in respect of any area, any person shall not, during the closed season hunt, kill, capture or wound within such area any animal to which such order applies except by and in accordance with the written permit issued by of the Director.

(2) The Director shall not issue a written permit under subsection (1) of this section without the consent of the Minister.

(3) Any person who contravenes the provisions of this section or condition attached to any permission granted under subsection (1) commits an offence and on conviction shall be liable -

(a) in any case where the conviction relates to the hunting, capture or killing of a national game, to a fine not less than twice the value of the animal hunted, killed or captured or to imprisonment for a term not less than three years but not exceeding five years;

(b) in the case where the conviction relates to the hunting, capture, or killing of an animal specified in Part II of the First Schedule to this Act, to imprisonment for a term of not less than two years but not exceeding five years; the court may in addition thereto, impose a fine of an amount not less than twice the value of the animal hunted, captured or killed;

(c) in the case where the conviction relates to the hunting, capture or killing of an animal specified in Part III of the First Schedule to this Act, to imprisonment for a term of not less than one year but not exceeding three years and in addition thereto, the court may impose a fine of an amount not less than twice the value of the animal hunted, captured or killed; and

(d) in any other case, to a fine of not less than three hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.

(f) General Provisions

President may lift restrictions

29. The President may, in the public interest, and by order in the Gazette, modify any of the restrictions imposed by this Part in relation to a game reserve, game controlled area or a wetlands reserve and where any such order is made, the provisions of this Part shall take effect subject to the provisions of the order.

Restrictions of hunting in a National Park and Ngoron-goro Conser-vation Area Cap.282 Cap.284

30. Nothing in this Act shall be construed as empowering the Director to grant any permission for the hunting, killing or capturing of any animal in any national park in contravention of the provisions of the National Parks Act or in Ngorongoro Conservation Area in contravention of the provisions of the Ngorongoro Conservation Area Act.

PART V
WILDLIFE MANAGEMENT AREAS

Establishment and management of the Wildlife Management Areas and benefit sharing GN 283 of 2005

31.—(1) The Wildlife Management Areas may be established for purposes of effecting community based wildlife conservation in areas -

(a) outside of core protected areas;
(b) which are used by local community members; and
(c) within the village land.

(2) Benefit sharing in the Wildlife Management Areas shall comply with guidelines issued by the Government from time to time and shall adhere to mechanisms of equitable distribution of costs and benefits targeted at promoting wildlife conservation, enhancing economic development and poverty reduction.

(3) The Wildlife Management Areas shall be established and managed in accordance with regulations made by the Minister and published in the Gazette.

(4) The Minister shall in consultation with the Minister responsible for local government authorities prepare model by-laws to be adopted with such necessary changes by the village authorities which shall apply in the respective Wildlife Management Area.

(5) The Minister shall, in the making regulations under this section, ensure that the local community is properly consulted and informed on how such community shall benefit from the Wildlife Management Areas.

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Cap.224
Cap.279
Cap.191

(6) The activities to be conducted in the Wildlife Management Areas shall be in conformity with the Forest Act, the Beekeeping Act, the Fisheries Act, the Environmental Management Act or any other relevant laws.

(7) Any authorised associations managing a Wildlife Management Area shall, subject to the provisions of section 32(1), have the right to negotiate and sign agreements with potential investors, provided that a representatives of the Director and the District Council shall be involved in the process of negotiation and the signing of such agreements.

(8) Matters relating to criteria for allocation, categories, size, number and quality of hunting blocks within the Wildlife Management Area shall be as prescribed in the regulations.

Declaration of the Wildlife Management Area

32. The Minister may, upon receipt of an application made by the Village Council and recommendations of the Director by order in the Gazzette, declare an area to be a Wildlife Management Area in the respective village land set aside for community-based wildlife conservation.

Establishment of District Natural Resources Advisory Body

33.–(1) Every District with a declared Wildlife Management Area shall establish a District Natural Resources Advisory Body for purposes of advising the authorised associations and the respective local government authorities on matters relating to co-ordination and administration of a Wildlife Management Area.

(2) The advice provided under subsection (1) shall be in consistent with the General Management Plan of the respective Wildlife Management Area.

PART VI
GENERAL MANAGEMENT MEASURES

Management Plans

34.—(1) The Director shall, as soon as practicable, after the establishment of wildlife protected area, prepare or cause to be prepared, a General Management Plan for each wildlife protected area.

(2) Any authorised association shall, upon establishment of the Wildlife Management Area, prepare a Resource Management Zone Plan prior to being granted a Resource User Right as an interim measure before the General Management Plan is in place.

(3) Any General Management Plan shall be prepared in a participatory manner and shall include such information as may be prescribed in the respective law.

(4) The Minister shall approve and publish the General Management Plan in the Gazette.

(5) All other plans and actions shall be consistent with the directions prescribed in a relevant General Management Plan of the respective area.

(6) The General Management Plans shall periodically be revised or updated in accordance with the regulations made in the Gazette by the Minister.

Environment Impact Assessment

35.–(1) Every significant physical development in a wildlife protected area, the Wildlife Management Area, the buffer zone, migratory route or dispersal area to which this section applies, whether that development is prepared by, or is being implemented by a person or organization in the public or private sector, the prospective developer shall prepare and submit to the satisfaction of the Minister responsible for environment a report on Environmental Impact Assessment of the proposed development.

(2) Notwithstanding sub-section (1) or any other law to the contrary, any development to which this section applies shall not commence unless and until an Environmental Impact Assessment certificate has been issued by the Minister responsible for environment.

(3) The developments in a wildlife protected area and Wildlife Management Areas to which this section applies shall include -

(a) mining development;
(b) road construction or laying of pipelines;
(c) semi or permanent establishments;
(d) construction of dams, power stations, electrical and tele-communication installations; and
(e) such other similar developments or activities as the Director may, for good cause, prescribe.

(4) The modalities and substance of any Environmental Impact Assessment to which this section applies shall be as stipulated in the Environmental Management Act, and shall have regard to and take account of best international practice.

(5) The Environmental Impact Assessment conducted under subsection (4) shall include the impact upon wildlife and shall provide for-

(a) a statement of the existing or anticipated economic impacts to the conservation of wildlife, including an account of the species, communities and habitats affected and the extent to which they are or may be threatened;
(b) a statement of whether rare, endangered or endemic species and their habitats are or may be affected;
(c) a list of alternative actions, including action and mitigation measures to adverse effects which may be taken to remove or lessen adverse impacts; and
(d) recommendations for subsequent action.

(6) The Director may, in consultation with other relevant authorities and institutions, prepare Environmental Impact Assessment guidelines.

(7) In performing his functions under this section, the Director may consult with persons, authorities, institutions and organizations likely to be affected.

(8) Upon approval of an Environmental Impact Assessment by the responsible authorities or organizations, the Environmental Impact Assessment shall be incorporated into the project.

Wildlife impact assessment

36. The Director may conduct a wildlife impact assessment where any project undertaken under section 34 or any activity undertaken is likely to adversely affect any wildlife species, community or habitat.

Environmental audit and monitoring Cap.191

37. The Director shall cause to be carried out by the relevant authority an environmental monitoring and environmental audit of projects or activities undertaken under this Act including those made prior to the coming into operation of the Environmental Management Act.

PART VII

CONSUMPTIVE AND NON-CONSUMPTIVE USE OF WILDLIFE

(a) Hunting of Animals

Hunting Block Allocation Advisory Committee and procedure on application

38—(1) There shall be the Hunting Block Allocation Advisory Committee which shall be an advisory body to the Minister.

(2) The Minister shall appoint a Chairman of the Hunting Block Allocation Advisory Committee who shall be a person who posses proven knowledge and experience in wildlife conservation.

(3) The Hunting Block Allocation Advisory Committee shall consist of following members to be appointed by the Minister -

(a) the Director General of Tanzania Wildlife Research Institute;
(b) the Director General of Tanzania National Parks;
(c) a representative of the Attorney General;
(d) the principal of College of Wildlife Management;
(e) any other five persons appointed by the Minister ; and
(f) the Director of Wildlife who shall be the Secretary.

(4) In appointing persons referred to in paragraph (e) of subsection (3), the Minister shall have regards to the need for gender balance, knowledge and experience in business administration, environmental conservation matters relating to economic empowerment.

(5) The Hunting Block Allocation Advisory Committee shall-

(a) receive and deliberate on the state of hunting and allocation of hunting concessions and blocks;
(b) review and provide advice on any standard, guidelines and regulations relating to the issuance of hunting blocks and any matters related to hunting blocks; and
(c) advising the Minister on matters relating to applications, conditions, issuance and criteria of allocating hunting blocks;
(d) perform other functions relating to the issuance of hunting blocks as the Minister may direct.

(6) The Minister shall, upon advice by the Committee, allocate a hunting block to the applicant.

(7) Notwithstanding the provisions of subsections (6), a person shall not, in any circumstances, be allocated more than five hunting blocks of which shall be of different grade or category.

(8) The tenure of ownership of any hunting block shall be five years subject to renewal, provided that no renewal shall be made unless the applicant has attained a minimum score prescribed in the regulations.

(9) The minimum score referred to under subsection (7) shall contain an annual performance assessment and the evaluation of utilization and

(9) The minimum score referred to under subsection (7) shall contain an annual performance assessment and the evaluation of utilization and performance of the hunting block to be made in the third year of the hunting term.

(10) Matters relating to categories, size and quality of hunting blocks shall be prescribed in the regulations.

(11) The Minister shall ensure that any modality or system used in allocation of hunting blocks is transparent and is inline with the principles of good governance.

(12) Notwithstanding the provisions of this section, the Minister may, at any time before the expiration of the period of a hunting term, cancel the allocation of a hunting block, where, there is sufficient evidence that the person allocated a hunting block -

(a) has failed to satisfy any or a combination of matters required by the Minister to take into consideration;
(b) gave false or incorrect information on the application for a hunting block;
(c) has been convicted of an offence under this Act;
(d) has failed to pay the necessary fees or any other debt due to him in relation to his hunting block; or
(e) has sublet a hunting block allocated to him.

(13) No decision to cancel the allocation of a hunting block shall be made until the person concerned has been given an opportunity to be heard.

(14) Any person who is aggrieved by the decision of the Minister may make an application for the administrative review to the Minister.

(15) On receipt of application for administrative review, the Miniser shall submit the application to the Hunting Block Allocation Advisory Committee for opinion and recommendation.

(16) Where the Minister has been advised as such he shall make the decision which shall be final but a person who is further aggrieved by the decision of the Minister may appeal to the High Court.

(17) Tenure of office of members, meetings and other procedural matters of the Hunting Block Allocation Advisory Committee shall be as provided for in the Fifth Schedule to this Act.

(18) Notwithstanding the provisions of this section, a person shall not be considered for allocation of a hunting block, unless-

(a) such person owns shares in a company registered with the Registrar of Companies; and

(b) such company intend to engage in hunting of animals.

Minister may restrict grant of licenses and permits

39.–(1) The Minister may, by order in the Gazette, declare any person or category of persons previously charged and convicted of an offence under this Act or similar law in other jurisdictions, as being a category of persons who shall not be granted any hunting licence in relation to any category of animals specified in the order.

(2) Where an order under subsection (1) is made in relation to any category of persons, persons not belonging to that category shall not be entitled to apply for or obtain a hunting licence in respect of any animal to which the order applies and any such licence granted to any such person shall be void.

(3) The Minister may make regulations prescribing for shares to be owned by citizens in any hunting company, the number of hunting blocks to be owned by a company, criteria, size and value of hunting blocks but in any case -

(a) the shares to be owned by the citizens shall not be less than twenty five percent of subscribed shares; and

(b) the percentage of foreign owned companies allocated hunting blocks shall not exceed fifteen percent of the total hunting companies at any particular time.

(4) The Minister shall make regulations prescribing fees and modalities of transferring hunting blocks from one person to another.

(5) Every hunting company shall, for purposes of meeting its operational costs, open a bank account within the United Republic into which shall be deposited a daily rate of a minimum of Eight Hundred US Dollars for each day of hunting booked.

(6) The Minister may, from time to time, prescribe the amount to be deposited by hunting companies under subsection (5).

No hunting without license

40. Save as otherwise expressly provided in this Act, a person shall not hunt any specified animal or scheduled animal except under and in accordance with the conditions of a hunting licence issued to that person.

Amendment of Schedules

41. The Minister may, by order in the Gazette, amend, add to, vary or replace the Schedules to this Act.

Wounding of animals

42. Any person who wounds an animal shall use all reasonable endeavours to kill it at the earliest opportunity.

General provisions relating to game license

43.-(1) A hunting licence may be issued by a licensing officer upon an application made in writing in the prescribed form and upon payment by the applicant of the prescribed fee.

(2) A hunting licence shall not be granted to an applicant who fails to satisfy the licensing officer -

(a) that he has attained the apparent age of eighteen years;

(b) that he is in possession of a valid firearm licence in respect of the firearm intended to be used in hunting;

(c) in the case of a licence for the hunting of a specified animal, that he is a citizen of Tanzania or that he has been ordinarily resident in Tanzania for a period of not less than twelve months immediately preceding the date of the application;

(d) that he has a reasonable knowledge of the use of a firearm for the purpose of game hunting, as may be prescribed by the Director;

(e) that he has not been convicted of an offence under this Act or similar legislation designed for the conservation and management of wildlife in Tanzania or any other jurisdiction; and

(f) that he has reasonable knowledge of the wildlife laws and regulations with respect to hunting, as may be prescribed by the Director.

(3) The licensing authority may require an applicant for a hunting licence to appear before him and answer any question or produce any document relevant to any of the matters referred to in subsection (2) and the firearm proposed to be used.

Trophy and subsistance hunting

44.-(1) Trophy and subsistence hunting shall be conducted in a manner provided for in the regulations made by the Minister and published in the Gazette.

(2) The Minister shall, for purposes of advising the Director on setting of quota and review of such quotas, establish a committee consisting of persons who possess knowledge and necessary expertise in matters relating to wildlife management.

Access to wildlife by traditional community

45.—(1) The Minister may, by order in the Gazette, declare any community to be traditional community for the purpose of this Act and prescribe conditions to regulae the utilization of wildlife.

(2) The Director may grant a traditional community a licence to hunt such number of specified animals subject to such terms and conditions for such period as may be specified in the licence.

(3) The Minister may, by order in the Gazette, designate areas of land for resident hunting and the modalities of hunting of animals by residents in such areas.

(4) Every resident hunter shall, within thirty days after the hunting of an animal, treat properly the skin of the animal or any other trophy and ensure that the skin or trophy is handed over to registered taxidermy or a licensing officer and the taxidermy or licensing officer, as the case may be, shall be required to register the trophy.

Hunting of specified and scheduled animals

46. Without prejudice to the preceding provisions of this Part, every hunting licence shall specify the species and number of specified or scheduled animal, which may lawfully be hunted by the holder and shall be valid for such period as may be prescribed.

Unlawful hunting of specified or scheduled animal

47. Any person who -

(a) not being a holder of a hunting licence, hunts, kills or wounds any specified animal or scheduled animal; or

(b) being a holder of a hunting licence, hunts, kills or wounds -

(i) a specified animal or a scheduled animal of a species, category, type or description other than that specified in the licence;

(ii) a number of specified animals or scheduled animals larger than those authorised by the licence; or

(iii) a specified animal or scheduled animal in an area other than the area specified in the licence,commits an offence and on conviction -

(aa) in the case where the conviction relates to the hunting or killing of an animal specified in Part I of the First Schedule to this Act, to imprisonment for a term of not less than three years but not exceeding ten years and the court may in addition thereto, impose a fine of an amount not less than twice the value of the animal hunted or killed;

(bb) in the case where the conviction relates to the hunting or killing of an animal specified in Part II of the First Schedule to this Act, to imprisonment for a term of not less than two years but not exceeding five years and the court may in addition thereto, impose a fine not less than twice the value of the animal hunted or killed;

(cc) in the case where the conviction relates to hunting or killing of an animal specified in Part III of the First Schedule to this Act, to imprisonment for a term of not less than twelve months but not exceeding three years and in addition thereto, the court may

impose a fine not less than twice the value of the animal hunted or killed; or

(dd) in the case where the conviction relates to wounding of an animal, to a fine of not less than twice the value of the animal or imprisonment for a term of not less than twelve months.

Professional hunter licence

48.-(1) A person shall not work as a professional hunter unless he has a professional hunter's licence issued under this Act.

(2) The Director shall not issue a professional hunter's licence to the applicant unless he is satisfied that the applicant-

(a) is over twenty three years of age;

(b) is a holder of a certificate in professional hunting from the College of Wildlife Management or any other recognized wildlife institution and has a thorough knowledge of this Act, other relevant laws and international agreements on the control and management of the hunting industry;

(c) has undergone a three years apprenticeship in a recognised tourist hunting company; and

(d) has successfully completed any test as may be required.

(3) A professional hunter's licence shall be divided into two categories as follows:

(a) category A which shall allow the holder to supervise the hunting of any animal; and

(b) category B which shall allow the holder to supervise hunting of non dangerous animals.

(4) A professional hunter's licence shall entitle the holder to supervise hunting of any animal permitted under this Act and guide any type of trophy hunting in accordance with this Act or any other relevant law.

(5) Every tourist hunting company shall ensure that the minimum number of citizen professional hunters under its employment is not less than fifty percent at any particular time.

(6) The preceding provisions of this section shall not apply during the grace period of three years in which hunting companies shall be allowed to attach apprentice graduates.

Profes-sional hunter licence for a non-citizen

49.—(1) A professional hunter's licence for a non-citizen shall, in addition to the conditions stipulated under section 47, be endorsed with the name of the employer of the hunter, who shall be the same as one endorsed on the work permit.

(2) Where any change of employer by a non-citizen professional hunter occurs, the professional hunter's licence shall be invalidated and be handed over to the Director within fourteen days of such change.

(3) Where a professional hunter's licence is invalidated a new professional hunter's licence may be applied for, for purposes of endorsing the name of the new employer, and may be issued without requirement of testing.

(4) The Director may attach any conditions to the licence as he may determine.

(b) Capture of Animal

No animal to be captured without permit

50.-(1) Save as otherwise expressly stated in this Act, no person shall capture any animal, whether or not such animal is a specified animal in any schedule to this Act, except under and in accordance with the conditions of a capture permit issued to him under this Act.

(2) Subject to the provisions of this Act, the Director may, in writing, grant a capture permit authorizing the capture of any animal for -

(a) providing a specimen for any zoological garden or similar institution;

(b) educational, scientific or cultural purpose; and

(c) providing specimen for commercial purposes.

(3) The grant of a capture permit referred to in subsection (2) shall be made in the public interest and in accordance with the provisions of any international instruments that have been ratified by the United Republic of Tanzania.

Grant of capture permit

51. The Director may, subject to the approval of the Minister grant a capture permit subject to such conditions as to the method of capture, care, stabling, feeding, crating, transporting and exporting of animals as specified in the regulations.

General provisions relating to capture permits

52.-(1) A capture permit shall be in the prescribed form specifying the animal and the area within which the animal may be captured.

(2) A capture permit shall be valid for such period as the Director may specify.

(3) There shall be charged in respect of a capture permit such fee as the Minister may, by order in the Gazette, prescribe.

(4) Subject to the provisions of subsection (3), any person or local authority shall, after consultation with the Director and approval in writing by the Minister, charge royalty in respect of a capture permit.

Unlawful capture of an animal

53.-(1) Any person who -

(a) not being a holder of a capture permit, captures any animal;

(b) being a holder of a capture permit, captures -

(i) a category, type or description of an animal species other than that specified in the permit; or

(ii) a number of animals more than those authorised by the permit; or

(iii) an animal in an area other than the area specified in the permit,

commits an offence and on conviction -

(aa) in the case where the conviction relates to the capture of an animal specified in Part I of the First Schedule to this Act, to imprisonment for a term of not less than three years but not exceeding five years and the court may in addition thereto, impose a fine of an amount not less than twice the value of the animal captured;

(bb) in the case where the conviction relates to the capture of an animal specified in Part II of the First Schedule to this Act, to imprisonment for a term of not less than two years but not exceeding five years and the court may in addition thereto, impose a fine not less than twice the value of the animal captured;

(cc) in the case where the conviction relates to the capture of an animal specified in Part III of the First Schedule to this Act, to imprisonment for a term of not less than

twelve months but not exceeding three years and in addition thereto, the court may impose a fine not less than twice the value of the animal captured; or

(dd) in the case where the conviction relates to wounding an animal in the cause of capturing it, to a fine of not less than twice the value of the animal wounded or to imprisonment of not less than five months but not exceeding twelve months.

(c) Non-Consumptive Wildlife Tourism

Non-consumptive wildlife tourism

54.–(1) A person shall not operate non-consumptive wildlife tourism without a licence issued under the Tourism Act, 2008 authorizing the holder to operate a facility or any other tourism business.

(2) The Minister may by regulations prescribe the conditions for engaging in non-consumptive wildlife tourism.

(d) General Provisions Relating to Hunting

Hunting of unscheduled animals without permit

55.–(1) A person shall not without the written authority of the Director previously sought and obtained, hunt, kill or wound any animal regardless of the fact that the animal is not specified in any of the Schedules to the Act.

(2) Any person who contravenes the provisions of this section commits an offence and on conviction shall be liable to a fine of an amount not less than twice the value of the animal hunted, killed or wounded or to imprisonment for a term not less than one year but not exceeding five years or to both.

Killing of young animals and female pregnant animal prohibited

56.-(1) A person shall not hunt or kill the young of any animal or any female animal which is apparently pregnant or which is accompanied by its young.

(2) A person who holds a licence, permit or written authority to hunt an animal of any species, hunts the young of that species or the female of that species which is apparently pregnant or is accompanied by its young, unless the hunting of such young or such female is expressly authorised by the licence, permit or written authority, commits an offence and shall

be liable on conviction to a fine of not less than twice the value of such animal or to imprisonment for a term of not less than three years or to both.

(3) Any person who hunts or kills the young of an animal or any female animal which is apparently pregnant without a permit, license or written authority, commits an offence and shall be liable on conviction to a fine of not less than twice the value of such animal or to imprisonment for a term of not less than five years or to both.

Hunting or capture on land

57.—(1) Any person shall not hunt or capture any animal on land occupied under a right of occupancy or derivative right of occupancy unless that person is the holder of a licence, permit or written authority issued or granted under this Act to hunt, or as the case may be, to capture such animal.

(2) Any person shall not hunt or capture any animal on village land without presenting certified copies of his permit or licence to the Village Council, authorised association and the District Wildlife Officer.

(3) A certified copy of a licence or permit duly presented under sub-section (2) shall serve as notice to the Village Council, authorised association and the District Wildlife Officer.

(4) Where the Director, with the approval of the Minister is of the opinion that it is in the public interest that any animal on any such land be hunted or captured, he may authorize any person to hunt or capture that animal on such land and after a certified copy of such authority has been served on the occupier of such land, it shall be lawful for the person authorised to hunt or capture the animal to proceed to do so without the consent of the occupier:

Provided that the person so authorised shall not be entitled, without the consent of the occupier, to enter any dwelling house or other building on such land.

(5) Any person who -

(a) not being a person authorised under subsection (4), hunts or captures any animal on private land without the consent of the owner;

(b) being a person so authorised, contravenes the provisions of the proviso to subsection (4);

(c) being the owner of any private land who has been served with a certified copy of any authority granted under subsection (4), obstructs the person authorised to hunt or capture any animal on such private land from entering on the private land or from hunting or capturing the animal,

commits an offence and shall be liable to a fine equal to twice the value of such animal, or imprisonment to the term not less than six months but not exceeding two years or to both.

(6) The provisions of subsection (4) shall not apply to zoos, wildlife farms, game sanctuaries, orphanage centres or similar establishments.

Special licence

58.—(1) Notwithstanding the provisions of this Act, it shall be lawful for the Director, with the consent of the Minister in writing and in the public interest, with or without a fee to grant to any person a special licence in the prescribed form authorizing the holder of the licence to hunt, capture or photograph the animals specified in the licence for the purpose of -

(a) scientific research;
(b) display in a museum;
(c) educational activity;
(d) cultural activity; or
(e) supply of food, in cases of emergency.

(2) A special licence granted under subsection (1) may authorize the hunting, capture or photography of any animal provided that such authorization shall be in the public interest and shall not violate any international instrument for the conservation and management of wildlife or natural resources that the Government has ratified.

(3) A special licence granted under subsection (1) shall not be used for commercial purposes or personal gain.

(4) The Minister shall, by regulations in the Gazette, prescribe the type, species and number of animals that may be captured or hunted under this section.

Security for compliance with this Act

59.-(1) The Director may, as a condition to the grant of any licence or permit under this Act, directs that the applicant shall give security for compliance with the provisions of this Act and any subsidiary legislation made hereunder either by depositing with the Director such sum of money that is not less than the value of the animal, or not more than twice its value or executing a bond, with or without sureties, for an amount more than twice the value of the animal or animals, as the Director may, in writing determine.

(2) Where a person who has given security under this section contravenes any of the provisions of this Act or any subsidiary legislation made hereunder during the period of nine months after the date on which such security is given, then, notwithstanding any penalty which may have been or may be imposed upon such person for such contravention -

(a) where a sum of money was deposited with the Director, such sum of money or such part thereof as the Director may in writing direct, shall be forfeited to the Government;

(b) where a security bond was executed, the bond shall be enforceable by the Director on behalf of the Government either in relation to the whole amount specified in the bond or that part of such amount as the Director may in writing, determine.

Licence, etc. not transfer-able

60.—(1) A person shall not transfer or assign to any other person any licence, permit or other written authority granted to him under this Act.

(2) Any person who seeks to transfer or assign to any other person any licence, permit or written authority shall apply in writing to the Director stating the reasons for such transfer or assignment.

(3) The Minister may, by regulations in the Gazette, prescribe conditions for any transfer or assignment under subsection (2).

(4) Any person who contravenes the provisions section commits an offence and shall be liable on conviction to a fine not less than five million shillings or to imprisonment for a term not less than one year but not exceeding five years or to both.

Recording of game and surrender of licence

61.—(1) Any person to whom a licence, permit or written authority is issued under this Act shall -

(a) carry such licence, permit or written authority with him when exercising the rights conferred;

(b) record thereon in Kiswahili or English in indelible writing, in the space provided thereof, all relevant details of all animals killed, wounded or captured by him in the exercise of the rights conferred and no animal so killed, nor any part thereof shall be removed from the place where it fell unless all such details have been first so recorded;

(c) not later than thirty days after the expiry of such licence, permit, or written authority, or where he proposes to depart from the country or the area for which such licence, permit or written authority is valid before the date of such departure, surrender such licence, permit or written authority to the licensing officer who issued it and shall sign a declaration certifying the accuracy of the record of game killed, wounded or captured in the presence of that officer.

(2) The licensing officer to whom any licence, permit or other written authority is surrendered shall countersign the declaration made thereon in the space provided for such countersignature.

(3) Any person who contravenes any of the provisions of subsection (1), commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment not less than two years but not exceeding five years or to both.

Extension of licenses by the Director

62. The Director may, for good cause and only once, extend the period of validity of any licence, permit or written authority granted under this Act, for a period not exceeding one month upon being satisfied in writing, that the holder of a licence, permit or written authority was prevented from exercising the rights conferred by reasonable cause.

Animal killed by accident or in error

63.—(1) Any person who kills an animal specified in any of the Schedules to this Act by accident shall, as soon as may be practicable thereafter-

(a) remove from such animal any skin, ivory, horn, tooth or any other trophy;

(b) report the fact and the circumstances of such killing to the nearest wildlife officer, wildlife warden, wildlife ranger,

ranger, park warden, park ranger or village game scout within three working days;

(c) hand over to such wildlife officer, wildlife warden, wildlife ranger, ranger, park warden, park ranger, or village game scout any trophy removed from such animal, which trophy shall be the property of the Government and shall be disposed of as the Director may direct; and

(d) where required by such wildlife officer, wildlife warden, wildlife ranger, ranger, park warden, park ranger or village game scout show him the place or site where the animal was killed.

(2) An animal shall not be deemed to have been killed by accident where the person killing it is a holder of a licence, permit or written authority, entitling him to hunt an animal of that specie.

(3) Any person who fails to comply with any of the provisions of this section, commits an offence and shall be liable on conviction to a fine of an amount not less than twice the value of the animal or to imprisonment for a term of not less than one year but not exceeding two months or to both.

Director may regulate type of weapons

64.-(1) The Director shall, by order in the Gazette, prescribe the type or class of weapons to be used for the hunting of any particular species of animals.

(2) Where an order under subsection (1) has been made, any person who hunts any animal or class of animals by means of any weapon prohibited by such order for use in the hunting of animals of that species or any weapon other than of the type or class authorised by such order for use in the hunting of animals of that species commits an offence and shall be liable on conviction to a fine of an amount not less than twice the value of the animal hunted or to imprisonment for a term of not less than one year but not exceeding two years or to both.

Unlawful methods of hunting

65.—(1) Any person shall not, except by and in accordance with the written authority of the Director previously sought and obtained or in accordance with regulations made under this Act -

(a) use for the purpose of hunting any animal -

(i) any mechanically propelled vehicle;
(ii) any poison, bait, poisoned bait, poisoned weapon, stakes, net, gin, trap, set gun, pitfall, missile, explosives, ball ammunition, snare, hide, spear, fence or enclosure;
(iii) a dog or any domesticated animal;
(iv) any automatic or semi automatic firearm capable of firing more than one cartridge as a result of one pressure of the trigger or of reloading itself more than once without further action by the operator;
(v) any device capable of reducing or designed to reduce the sound made by the discharge of any firearm;
(vi) any artificial light or flare, night vision devises; or
(vii) any anaesthetic dart capable of immobilisation;

(b) in the process of hunting any animal cause any fire; and
(c) hunt any animal -

(i) from any mechanically propelled vehicle or within two hundred metres of such vehicle, except when hunting birds in water;
(ii) other than a hippopotamus, otter, sitatunga, puku, crocodile, water-buck or bird within five hundred metres of any permanent water, pool, waterhole or salt-lick;
(iii) within one kilometre of a national park, a zoo, game sanctuary, the Ngorongoro Conservation Area or an aerodrome; and
(iv) during the hours of darkness.

(2) Any person shall not -

(a) for the purpose of hunting or while on a hunting trip, camp within a kilometre of any aerodrome;
(b) drag, cut or display any dead animal in the vicinity of any lodge, hotel, zoo or camp frequented by visitors;
(c) throw any animal carcass into any permanent water, pool, water-hole, salt-lick or any place commonly used by animals as a resting place;
(d) leave any animal carcass within two kilometres of any aerodrome or a kilometre of any public road, lodge, hotel game sanctuary, wildlife farm or zoo; and

(e) leave on any hunting site litter, refuse, unburnt trophy drying racks or a burning fire or leave such site in a state likely to constitute a danger to the public or animal health.

(3) Notwithstanding the provisions of subsection (1) the restrictions imposed by that subsection, other than the restrictions imposed by sub-paragraph (ii) of paragraph (a) and by paragraph (b) of subsection (2), shall not apply where an animal is hunted under and in accordance with the provisions of section 72.

(4) The Minister may, by regulations made under this Act, impose such further restrictions on the methods of hunting animals as he may deem fit.

(5) Any person who contravenes any of the provisions of subsections (1) or (2) commits an offence and shall be liable on conviction to a fine of an amount not less than one million shillings but not exceeding two million shillings or to imprisonment for a term of not less than one year but not exceeding three years, or to both:

Provided that where an offence relates to the hunting or killing of an animal, the court shall impose a fine of an amount not less than twice the value of the animal hunted or killed.

(e) Provisions Relating to Licences and Matters Related to Licences

Refusal cocellation, variation and suspension of license etc.

66.—(1) The Director, a wildlife officer or licensing officer may, for good cause -

(a) refuse to issue to any person any certificate, licence, permit, written permission or other written authority under this Act; or

(b) cancel, vary or suspend any certificate, licence, permit, written permission or other written authority under this Act.

(2) Subject to subsection (1), good cause under this section shall include-

(a) fraud;

(b) forgery;

(c) misrepresentation; or

(d) evidence of conviction by a competent court of law:

Provided that in the case of any such refusal, cancellation, variation or suspension by a wildlife officer or a licensing officer they shall, within ten days, report the same to the Director.

(3) Any person aggrieved by any refusal, cancellation, variation or suspension under this section may, within thirty days of receipt of the refusal, cancellation, variation or suspension of the licence appeal to the Minister.

Disqualification from grant of licence, etc. Cap.282 Cap.284

67.—(1) Any person –

(a) who has been convicted of an offence under this Act, the National Parks Act, the Ngorongoro Conservation Area Act or any written law applicable in any other country and designed for the protection and conservation of wildlife in that country;

(b) whose licence, permit, written permission or written authority granted under this Act or the repealed Act has been cancelled or suspended, shall be disqualified from holding or being granted any licence, permit, written permission or other written authority under this Act, unless and until such disqualification is revoked, in the public interest and upon application, by the Director by a certificate under his hand.

(2) Any person who fails to inform the Director or any wildlife officer or licensing officer at the time of his application or request for any licence, permit, written permission or other authority under this Act of the fact that he is, by virtue of subsection (1), disqualified from holding or obtaining any licence, permit, written permission or other authority under this Act, commits an offence and on conviction shall be liable to imprisonment for a period of not less than one year but not exceeding three years.

Licences may be issued or varied subject to conditions

68.—(1) Any licence, permit, written permission or written authority granted under this Part may be granted or varied subject to such terms and conditions as the Director or officer granting the same may, in the public interest and in writing, and such terms and conditions shall be specified on the licence, permit, written permission or written authority granted:

Provided that the Minister may, by regulations made under this Act, prescribe terms and conditions of licence, permit, written permission or

(2) Any person who contravenes any terms or conditions of any licence, permit, written permission or written authority commits an offence and on conviction shall be liable to a fine of not less than three million shillings but not exceeding five million shillings or to imprisonment for a term of not less than three years but not exceeding five years or to both.

PART VIII
HUMAN-WILDLIFE CONFLICT

Management of problem animals

69.– (1) The Director may deploy authorised officers for the purpose of controlling problem animals that cause or have caused damage to property or injury or loss of human life.

(2) Any park warden, park ranger or ranger may, in the public interest, kill any problem animal in any place other than in a national park or the Ngorongoro Conservation Area

(3) The term "Problem animal" as used in subsection (1) shall includes a flock of pest birds.

Dangerous animals

70. The animals specified in the Fourth Schedule to this Act are hereby declared to be dangerous animals.

Consolation for loss of life, crops or injury caused by dangerous animals

71.–(1) The Minister may, in the public interest and after consultation with the Minister responsible for finance, make regulations specifying the amount of money to be paid as a consolation to a person or groups of persons who have suffered loss of life, livestock, crops or injury caused by dangerous animals:

(2) Without prejudice to the provisions of subsection (1), the Minister shall make regulations prescribing the payment of consolation money to any person for injury sustained, death or destruction of his crops caused by dangerous animals, provided that in relation to destruction of crops, no payment shall be made in excess of five acres.

(3) A person shall not be entitled to consideration for consolation under this section if it has been proved that that person in the cause of unlawful activity under this Act lost life or was injured by dangerous animal.

Wounding of dangerous animals

72.-(1) Where a dangerous animal, specified under Fourth Schedule, that has been wounded enters a game controlled area, a game reserve, a marine park, a marine reserve, a forest reserve, a national park, a Wildlife Management Area or the Ngorongoro Conservation Area, the person who has wounded that animal shall immediately report such entry to the nearest wildlife officer, forest officer, park warden, village game scout or conservator as the case may be and such officer shall take all necessary measures to assist such person in killing the animal.

(2) Any person who wounds any dangerous animal and fails to kill it shall immediately report to the nearest officer referred to in subsection (1).

(3) Every report made under subsection (2) shall specify the species, date, time and place of the wounding, the nature of the wound, the efforts made to kill the animal and such other information as may assist in locating the animal.

(4) Where any animal is found dead and the Director is satisfied that it is an animal which was wounded and escaped from a person holding a license, permit or written authority for the hunting or capture of an animal of the same species as the animal so found, and that such person -

(a) after wounding the animal used every endeavour to kill it; and

(b) on losing the wounded animal, made a report as required by subsection (2), he may direct that any trophy of such animal be delivered to that person.

(5) Any person who fails to comply with any of the provisions of subsections (1), (2) or (3), commits an offence and on conviction shall be liable to a fine of not less than two hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding three years or to both.

Killing animal in defence of life

73.—(1) Nothing in this Act shall make it an offence to kill any animal in defence of human life or livestock.

(2) Sub-section (2) shall not apply to the killing of an animal in defence of life if -

(a) the behaviour of the animal necessitating such killing is the result of molestation or deliberate provocation by or with the knowledge of the person killing such animal; or

(b) the person killing such animal or the person whose life is being defended was, when such defence became necessary, committing an act which constitutes an offence under this Act;

(c) nothing in this section shall be deemed to authorize -

(i) the use of stakes in pitfalls, snare or of any other method which is likely to result in undue cruelty to animals or to endanger human life;

(ii) the owner or occupier of any property adjoining any conservation area to hunt in such area without the previous consent in writing of the appropriate officer of such conservation area;

(iii) the killing of any national game without the written authority of the Director previously sought and obtained.

(3) A person killing an animal in defence of life shall immediately -

(a) remove from such animal any skin, ivory, horn, tooth or any other trophy;

(b) report the fact and the circumstances of such killing to the nearest officer referred to in section 71(1);

(c) hand over to such officer any trophy removed from such animal, which trophy shall be the property of the Government; and

(d) where required by such officer, show him the damage caused and the place of such killing.

(4) The meat of any animal lawfully killed in defence of human life under this section may, with the written authority of the officer to whom such killing is reported, be disposed of and the proceeds shall be collected and accounted for by an authorised officer in the Wildlife Division, District Council, Tanzania National Parks or the Ngorongoro Conservation Area Authority, as the case may be.

(5) A person who contravenes any of the provisions of this section or fails to comply with any lawful directive, commits an offence and on conviction shall be liable to a fine of not less than five hundred thousands shillings but not exceeding five million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both.

Restriction on human activities etc. in wildlife protected area border-line

74. A human activity, settlement or any other development that will adversely affect wildlife shall not be permitted within five hundred meters from the wildlife protected area borderline without the permission of the Director.

Accidental killing or wounding in self defence

75. Where in any proceedings for an offence under this Act the court is satisfied that an animal was killed or wounded by the accused person, the court shall presume that the animal was killed or wounded in the cause of it being intentionally hunted by the accused person unless that person proves to the satisfaction of the court that the killing or wounding was an accident beyond his control and that he had taken all reasonable precautions to avoid such accident or that the killing or wounding was in such circumstances as to be justifiable and lawful under section 62.

Killing of animals for public interest

76. Notwithstanding anything to the contrary in this Act, the Director may, in the public interest, kill or authorize the killing of any animal in any place, other than in a national park or in the Ngorongoro Conservation Area.

PART IX
REGISTRATION OF CERTAIN TROPHIES

Interpretation

77. For purposes of this Part -

"trophy" means ivory, rhinoceros horns, hippopotamus tooth, animal tushes, animal horns and skin of any game animal; and

"manufactured trophy" means any article made from any trophy or from any tooth, tusk, horn, bone, claw, hoof, hair, feather, egg or any other portion of any animal.

(b) that a period of ninety days has not expired between the date when he first acquired or obtained the trophy or manufactured trophy and the date of the institution of the proceedings or the date when the trophy or manufactured trophy was seized by an authorised officer in the course of an investigation resulting in the proceedings, whichever date first occurred.

(2) A person who transfers to any other person any trophy or manufactured trophy where a certificate of registration does not exist at the date of the transfer and any person who accepts such transfer of any trophy or manufactured trophy commits an offence and shall be liable on conviction to a fine of not less than twice the value of the trophy or to imprisonment for a term not less than one year but not exceeding five years or to both.

(3) A person who transfers any trophy or manufactured trophy to any other person without handing over to the transferee the certificate of registration in respect of a transfer of a trophy or manufactured trophy and any transferee who accepts the transfer to himself of any trophy or manufactured trophy without obtaining the certificate of registration, commits an offence and shall be liable on conviction to a fine not less than twice the value of the trophy or manufactured trophy or imprisonment for a term not less than one year but not exceeding three years or to both.

PART X
DEALING IN TROPHIES

No dealing in trophies without trophy dealer's licence

80.–(1) A person shall not deal in trophy or manufacture an article from a trophy for sale or carry on the business of a trophy dealer except under and in accordance with the conditions of a trophy dealer's licence.

(2) The Director may, subject to any regulations made under this Act, grant to any citizen a trophy dealer's licence in the prescribed form upon an application made in the prescribed form and subject to such conditions and on payment of such fees as may be prescribed.

(3) A trophy dealer's licence shall entitle the holder to capture, manufacture an article from a trophy, buying and selling trophies but shall not entitle him to hunt, kill or photograph any animal.

(4) A trophy dealer shall not accept, buy, manufacture an article from a trophy, sell or transfer any trophy before such trophy is registered under the provisions of Part X of this Act.

No transfer of trophy

81.–(1) A person shall not transfer by way of a gift, sale, exchange or otherwise or buy or accept any trophy except under and in accordance with the conditions specified in the permit granted under this section.

(2) The Director may, by regulations prescribe conditions for transfer of trophy specified under subsection (1).

(3) The provisions of this section shall not apply to any trophy sold by a licensed trophy dealer or the Government or to any manufactured trophy in respect of which a certificate of registration issued under Part X exists.

Export of trophy

82.–(1) A person shall not export or re-export any trophy unless he holds a trophy export certificate or in the case of CITES listed species, a CITES permit issued by a relevant authority of the member country.

(2) The Director may, subject to any regulations made under this Act and on payment of any prescribed fee, issue to any person entitled to export or re-export any trophy, a trophy export certificate or CITES permit in the prescribed form.

(3) The export or re-export of any specimen shall be in accordance with the provisions of this Act and shall be conducted at designated exit point prescribed by the Minister in the Gazette.

(4) Any live specimens shall be handled during any period of transit, holding or shipment according to the regulations issued by the Minister.

(5) The containers for transportation of live specimens shall be in accordance with International Air Transport Association (IATA) Live Animal Regulations.

Import of trophy

83.–(1) A person shall not import any trophy except in accordance with the written authority of the Director previously sought and obtained and in accordance with the provisions of CITES.

(2) Notwithstanding the provisions of subsection (1), any other non-CITES trophy shall be imported as prescribed in the regulations made under this Act.

Unlawful dealing in trophies

84.–(1) A person who sells, buys, transfers, transports, accepts, exports or imports any trophy in contravention of any of the provisions of this Part or CITES requirements, commits an offence and shall be liable on conviction to a fine of not less than twice the value of the trophy or to imprisonment for a term of not less than two years but not exceeding five years or to both.

(2) Trophy exported, re-exported or imported in contravention of this Part or the provisions of CITES shall be confiscated.

PART XI
GOVERNMENT TROPHIES

Government trophies

85.–(1) Subject to the provisions of subsection (2) and any regulation made under this Act, the following shall be Government trophies and shall remain to be the property of the government -

(a) any animal which has been killed or captured without a license, permit, written permission or written authority granted under this Act, and any part of any such animal;

(b) any animal which is found dead, and any part of any such animal;

(c) any animal which has been killed in defence of life or property and any part of any such animal;

(d) any trophy which is in the possession of any person who is unable to satisfy the Director that he lawfully acquired the same;

(e) any trophy in respect of which a breach of the provisions of this Act has been committed;

(f) any trophy which the Minister may, by order in the Gazette, declare to be Government trophy;

(g) specimens originating from Tanzania exported or re-exported in contravention of the provisions of this Act and CITES implementation regulations; and

(h) specimens re-exported or imported in contravention of the provisions of CITES which cannot be returned to the country of origin.

Cap.282 and Cap. 284

(2) Any trophy found or obtained in a national park or the Ngorongoro Conservation Area or in respect of which an offence has been committed under the National Parks Act or the Ngorongoro Conservation Area Act shall be the property of the Government.

Unlawful possesion of Government trophy

86.–(1) Subject to the provisions of this Act, a person shall not be in possession of, or buy, sell or otherwise deal in any government trophy.

(2) A person who contravenes any of the provisions of this section commits an offence and shall be liable on conviction -

(a) where the trophy which is the subject matter of the charge or any part of such trophy is part of an animal specified in Part I of the First Schedule to this Act, and the value of the trophy does not exceed one hundred thousand shillings, to imprisonment for a term of not less than five years but not exceeding fifteen years or to a fine of not less than twice the value of the trophy or to both; or

(b) where the trophy which is the subject matter of the charge or any part of such trophy is part of an animal specified in Part I of the First Schedule to this Act, and the value of the trophy exceeds one hundred thousand shillings, to a fine of a sum not less than ten times the value of the trophy or imprisonment for a term of not less than twenty years but not exceeding thirty years or to both.

(c) in any other case -

(i) where the value of the trophy which is the subject matter of the charge does not exceed one hundred thousand shillings, to a fine of not less than the amount equal to twice the value of the trophy or to imprisonment for a term of not less than three years but not exceeding ten years;

(ii) where the value of the trophy which is the subject matter of the charge exceeds one million shillings, to imprisonment for a term of not less than twenty years but not exceeding thirty years and the court may, in addition thereto, impose a fine not exceeding five million shillings or ten times the value of the trophy, whichever is larger amount.

(3) For the purpose of subsection (2) -

(a) in assessing the punishment to be awarded the court shall, where the accused person is charged in relation to two or more trophies, take into account the aggregate value of all the trophies in respect of which he is convicted, and in any such case the provisions of paragraph (a) or (b) of subsection (2) shall apply in relation to all such trophies if any one of them is part of an animal specified in Part I of the First Schedule to this Act;

(b) in assessing the punishment to be awarded under this section, the court shall calculate the value of any trophy or animal in accordance with the certificate of value of trophies as prescribed by Minister in the regulations; and

(c) in assessing the punishment to be awarded under this section, the court shall calculate the value of any livestock on the basis of the normal price of the livestock on a sale in the open market between a buyer and a seller independent of each other.

(4) In any proceedings for an offence under this section, a certificate signed by the Director or wildlife officers from the rank of wildlife officer, stating the value of any trophy involved in the proceedings shall be admissible in evidence and shall be prima facie evidence of the matters stated therein including the fact that the signature thereon is that of the person holding the office specified therein.

Duty to report possession of Government trophy

87.—(1) Any person who sees any government trophy in the possession of any person not authorised to possess a government trophy, shall immediately report such possession to the nearest wildlife officer, wildlife warden, wildlife ranger, park warden, park ranger or police officer and shall, where required, deliver the trophy to such officer, warden or ranger and give particulars of the person in possession.

(2) Any person who contravenes subsection (1), commits an offence and on conviction shall be liable to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or for imprisonment for a term of not less than twelve months but not exceeding eighteen months or to both.

Disposal of Government trophy

88. The Director shall be responsible for the disposal of all government trophies subject to any instructions that may be given by the Minister in consultation with the Minister for the time being responsible for finance.

PART XII

WILDLIFE RANCHING, FARMING, BREEDING AND SANCTUARIES

Wildlife ranching, farming, breeding, zoos, orphanage centres and game sanctuaries

89.–(1) Any holder of a right of occupancy authorised by the Director for the purposes of this section, who wishes to engage in breeding, game sanctuaries, zoos, ranching, orphanage centres or farming game animals on the land he occupies may apply to the Director in the form to be prescribed in the regulations.

(2) The Director may, in consultation with the Minister -

(a) in conformity with any land use plan;

(b) in accordance with any other written law;

(c) subject to the payment of such fees as may be prescribed; and

(d) on such terms and conditions as he considers necessary or desirable,

authorise an application made under subsection (1).no person other than a citizen of Tanzania ,or in the case of a company, the majority shares shall be owned by citizen of Tanzania.

(3) Without prejudice to the provisions of this section, no person other than a citizen of the United Republic shall engage in wildlife ranching; in the case of a company, the majority shares shall be owned by the citizens of the United Republic.

(4) The Director shall, by notice in the Gazette, cause such authorisation under subsection (1) to be published, such notice shall be posted at the entrances of the farms, breeding areas, sanctuaries, zoos, orphanage centres or ranches.

(5) Any authorisation given by the Director under this section may be withdrawn where the person to whom that authorisation is given, is convicted of an offence under this Act, or where such person contravenes any of the terms or conditions of that authorisation.

Regulation of activities in wildlife ranches, farms, zoos and sanctuaries

90. Any activity related to wildlife ranching, wildlife farming, zoos, game sanctuaries and captive breeding shall be conducted in accordance with the regulations made by the Minister.

PART XIII
TANZANIA WILDLIFE PROTECTION FUND

The Tanzania Wildlife Protection Fund and its objectives

91.—(1) There shall continue to exist a Fund to be known as the Tanzania Wildlife Protection Fund, in its acronym known as "TWPF".

(2) The objectives of the Tanzania Wildlife Protection Fund shall be to facilitate and support wildlife conservation, inside and outside protected areas particularly in -

(a) antipoaching operations and law enforcement;
(b) operations of the Wildlife Protection Unit;
(c) the conservation of wildlife;
(d) the development of communities living in rural areas adjacent to wildlife protected areas;
(e) conservation education, training and awareness creation in wildlife matters;
(f) capacity building in wildlife management;
(g) the wildlife management research; and
(h) any other activity related to conservation of Wildlife.

(3) The sources of the Fund shall consist of -

(a) such sums of money as may be appropriated by the Parliament;
(b) twenty-five percentum of the proceeds of the sale of every animal, trophy, weapon, vehicle, vessel, aircraft, tent or other article which is forfeited pursuant to section 110 of this Act and sold or disposed of in any manner for money including proceeds accrued from non-consumptive use of wildlife outside national parks and the Ngorongoro Conservation Area;
(c) any sum or property which may in any manner become payable into the Fund; and
(d) any sum payable or donation, bequest, gift or grant made or given to the Fund by other agencies, institutions, persons or other government or international organisations.

(4) The Minister may make regulations in the Gazette to provide for the management, functions and use of the Fund, and shall, after consultation with the Minister responsible for finance, make regulations in the Gazette for the operations of the Fund.

The Board of Trustees. fucntions and powers

92.– (1) There is established a Board to be known as the Board of Trustees of the Tanzania Wildlife Protection Fund which shall -

(a) have perpetual succession and a common seal;
(b) in its corporate name capable of suing and being sued; and
(c) be capable of purchasing or acquiring and managing in any manner and alienating any movable and immovable property.

(2) The Board shall be capable of holding, purchasing or otherwise acquiring Treasury Bonds, alienating any movable property and with the consent of the Minister, any immovable property for the purposes of any of the duties or functions conferred on the Board by this Act.

(3) The Board shall consist of -

(a) the Chairman who shall be appointed by the President, and who is-
  (i) a graduate of a recognized university; and
  (ii) a person of a proven quality, integrity and experience in public service in either wildlife matters, economics, laws, management or related disciplines;

(b) the Conservator of the Ngorongoro Conservation Area;
(c) the Director General of the Tanzania National Parks;
(d) the Director General of the Tanzania Wildlife Research Institute ;
(e) a senior State Attorney appointed by the Attorney General on his behalf;
(f) a senior accountant representing the Ministry of Finance;
(g) two members with quality, integrity, knowledge and experience in wildlife conservation appointed by the Minister;
(h) the Director who shall be the Chief Executive Officer and the Secretary to the Board.

(4) The Director may delegate his powers to the Manager of the Fund.

(5) The Board shall have power to -

(a) enter into contracts;

(b) approve or disapprove investment plans and projects; and

(c) do any other activities for the better performance of its functions under this Act.

(6) The functions of the Board shall be -

(a) to manage and administer the Fund in accordance with this Act; and

(b) subject to this Act and to any directions given by the Minister, to do any act or thing for the promotion of the purposes and objects of the Fund.

(7) The tenure of office, meetings and procedural matters of the Board shall be as set out in the Sixth Schedule to this Act.

(8) The Minister shall, by order in the Gazette, provide for the regulations of the proceedings, the operations and affairs of, and other matters in relation to the Board.

Books of accounts, records and Annual Reports

93.—(1) The Fund shall keep books of accounts and maintain proper records of its operations in accordance with acceptable accounting standards.

(2) The Director shall, at any time, and at the end of each financial year, have the accounts of the Fund audited by the Controller and Auditor General.

(3) The Director shall submit the audited report under subsection (2) and annual report providing detailed information regarding the activities of the Fund during the previous year ending on the 30th June to the Minister.

(4) The Minister shall cause to be tabled to the National Assembly the statement of audited accounts and report.

PART XIV

PROTECTED SPECIES AND INTERNATIONAL OBLIGATIONS

Declaration of protected species and duty to abide to international obligations

94.—(1) The Minister on the recommendation of the Director may, by order in the Gazette, declare any species of wildlife as protected species under this Act.

(2) Any wildlife species found in, or which migrate to or through Tanzania which is protected under any International Convention or Treaty to which the Government is a party shall be accorded a status of a protected species under this Act.

(3) The Minister may, in consultation with the Minister responsible for environment, livestock, agriculture and any other relevant authority, by order published in the Gazette, provide for the protection of cross border habitats, vegetation and ecosystems.

(4) Where the United Republic is a party to an international or a regional agreement relating to the protection and management of wildlife and its habitats, the Minister shall, in consultation with the relevant authority-

(a) initiate and prepare legislative proposals for purposes of implementing the agreements; and

(b) identify appropriate measures necessary for the implementation of the agreements.

(5) Where the the Government is involved in negotiation of an international agreement on matters relating to protection and management of wildlife and its habitats, the Minister shall, prior to submission for ratification by the National Assembly, communicate to the Minister responsible for environment, substance of the agreement with a view to assessing the likely impact on the environment.

(6) The Director shall keep a register of all international agreements relating to the protection and management of wildlife and its habitats to which the United Republic is a party.

(7) The Minister shall ensure that the Tanzania National Parks and the Ngorongoro Conservation Area Authority and any other relevant institution contribute financially towards implementation of international

and regional agreements relating to wildlife and its habitats to which the United Republic is a party.

PART XV

INTERNATIONAL TRADE IN WILDLIFE SPECIES AND SPECIMENS

Issuance of export, re-export and import permit

95.–(1) Any trade in violation of CITES provisions is prohibited under this Act and all specimens illegally traded shall be confiscated.

(2) A person shall not, except under and in accordance with the terms and conditions of a permit issued by the Director in accordance with CITES provisions, export from or import into or transport through or re-export from Tanzania, any wildlife species, specimens or products.

(3) The export, import, transport through and re-export of wildlife species listed in the relevant appendices to the CITES and any wildlife species and specimens or products shall be permitted only in accordance with the provisions of CITES, and before issuing any permit, the Director shall satisfy himself that -

(a) the specimens have been acquired lawfully;

(b) the issuance of the permit shall not in any way be detrimental to the survival of the wild population of the species as opposed to the individual specimen; and

(c) all provisions with respect to CITES and any international or regional agreement or instrument relating to the export and import of wildlife species and specimens or products and sale of manufactured trophies which the Government is a party have been complied with.

(4) The Director shall be the CITES management authority however on matters relating to species other than those falling directly under CITES outside Mainland Tanzania , the Director shall liaise with the relevant CITES management authorities.

(5) The Minister may appoint or designate one or more scientific authorities for the purpose of this Part so that on matters relating to species other than those falling directly under any of such scientific authority, that scientific authority shall liaise with other relevant scientific authorities.

(6) Subject to the provisions of this Act, any other written law relating to the export and import of goods, and any regulations made by the Minister in respect of the specified animals and CITES, upon application made in the prescribed form, and on payment of the prescribed fee, the Director may grant permits for the export from or import into or re-export from Mainland Tanzania of any trophy.

(7) Any person who contravenes the provision of this section commits an offence and shall be liable on conviction be liable to a fine of not less than three times the value of the specimen involved in the commission of the offence or to a minimum of five years imprisonment or to both.

(8) In this section "re-export" means export of any specimen that was previously imported.

PART XVI

EDUCATION, TRAINING AND RESEARCH

Establi-shment of - Training Institu-tions

96.-(1) The Minister may, by order published in the Gazette, establish training institutions or centres to run training programmes and offer courses for wildlife management other than those offered by the College of Wildlife Management or other institutions of higher learning.

(2) The Minister may, by regulations in the Gazette, provide for the administration and management of training institutions and centres established under this section.

(3) Subject to the directions given by the Minister, the administration and management of training institutions established under subsection (1) of this section shall be under the management of the Director.

(4) The Director may, in consultation with the Minister, enhance the capacity of different cadres of wildlife personnel by providing training.

Research

Cap.260

97.– (1) The management and co-ordination of wildlife research shall be governed by the Tanzania Wildlife Research Institute established under the Tanzania Wildlife Research Institute Act.

(2) The Director may, in consultation and under the co-ordination of the Tanzania Wildlife Research Institute, initiate research in wildlife issues in and out of protected areas falling under the jurisdiction of this Act.

Education and awareness creation

98. The Director may initiate, implement and support public awareness creation and education programmes on wildlife issues in order to enhance awareness and build capacity in sustainable utilization and management of the wildlife resources.

Financial contributions to wildlife training and research institutions

99.—(1) The Tanzania National Parks and the Ngorongoro Conservation Area Authority and any other wildlife institution shall be under the general obligation to make financial contribution to the wildlife training and research institutions in Tanzania.

(2) The Minister may, by regulation, prescribe modality and procedurefor determinging the amount of contribution to be made pursuant to subsection (1).

PART XVII

OFFENCES, PENALTIES, FOR FEITURES AND OTHER LEGAL PROCEEDINGS

(a) Evidentiary Provisions

Burdern of proof

100.—(1) In any proceedings for the offence of unlawful hunting, killing or capturing an animal contrary to the provisions of this Act, the burden to prove that the animal was hunted, killed or captured pursuant to, and in accordance with the terms of a licence issued, permit or authority given under this Act shall lie on the person charged.

(2) Where in any proceedings for an offence under section 85 it is proved to the satisfaction of the court -

(a) that the Government trophy which is the subject matter of the charge was found in any building, premises or vessel, or any part of any building, premises or vessel occupied by the accused or his dependant, whether or not the accused was physically present when the trophy was found; or

(b) that such Government trophy was found in any vehicle, baggage, package or parcel in possession of or owned by the accused or over which the accused had control at the time when the trophy was found,

unless the contrary is proved, the court shall presume that such trophy was in the possession of the accused.

(3) In any proceedings for an offence under section 85 the burden of proof that-

(a) the possession of the Government trophy was lawful;
(b) the sale, purchase or other transaction relating to the government trophy was lawful;
(c) the accused had assumed possession of the trophy in order to comply with the requirements of sections 85 and 86; or
(d) the trophy is not a Government trophy,

shall lie on the person charged.

Disposal of trophies during proceed-ings

101.–(1) Subject to section 99(2), at any stage of the proceedings under this Act, the court may on its own motion or on an application made by the prosecution in that behalf order that any animal, trophy, weapon, vehicle, vessel or other article which has been tendered or put in evidence before it and which is subject to speedy decay, destruction or depreciation be placed at the disposal of the Director.

(2) Where the article in respect of which an order under subsection (1) is made is not an animal or trophy, the court may, if it is satisfied that it would be just to do so, attach to the order a condition that the Director shall not dispose of that article until the expiration of three months from the date of the making of that order.

(3) Notwithstanding the provisions of any written law to the contrary, on the expiration of three months from the making of an order under subsection (1) to which the condition under subsection (2) was attached, the order of the court shall be final and shall operate as a bar to any claim by or on behalf of any person claiming ownership of, or any interest in the article by virtue of any title arising before the order was made.

Where trophies belong to another person

102.—(1) In any proceedings for an offence under this Act for charge of unlawful possession of, or unlawfully having in control or custody, any trophy, any person being prosecuted may, with leave of the court, have any person to whom the trophy belong or to whose act or default he alleges that the contravention of the relevant provisions was due, brought before the court in the proceedings, and where after the contravention

(b) official mark, stamp or ink used for or in connection with the administration of this Act;

(c) any official uniform or badge approved for use; or

(d) any trophy which is required by any provision of this Act to be delivered to a police officer, wildlife officer, wildlife warden, wildlife ranger, village game scout or which is in his possession by virtue of his holding any public office,

shall take all reasonable precautions to prevent the same from falling into the hands or custody of any person not authorised to be in possession and if such person fails to take such reasonable precautions commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings and not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both.

(2) In any proceedings against any person for an offence under sub-section (1) -

(a) the burden to prove that reasonable precautions were taken to prevent any article or thing to which that subsection applies from falling into the hands of an unauthorised person shall lie on the person charged; and

(b) where any such article or thing is shown to have been lost or stolen the court shall, unless it is satisfied to the contrary, presume that it has fallen into the hands of an unauthorised person.

Offences relating to licences etc.

105.—(1) A person who -

(a) fraudulently forges, alters or defaces any licence, permit, permit book, written permission or authority granted or purporting to have been granted under this Act;

(b) fraudulently presents any such forged licence, permit, permit book, permission or authority; or

(c) obtains any licence, permit, permission or authority by fraud, misrepresentation of a material fact or by false pretence,

commits an offence and shall be liable on conviction to a fine of not less than five million shillings or to imprisonment for a term of not less than one year but not exceeding five years or to both.

(2) Any licence, permit, permission or written authority, which has been forged or obtained by fraud, misrepresentation of a material fact or by false pretence shall be void ab initio.

(c) without reasonable excuse fails to give any information or produce anything or document which he is lawfully required to give or produce under the provisions of this Act,

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

Assault on authorised officer Cap.16

108. Notwithstanding the provisions of sections 114A, 117 and 243 of the Penal Code, a person who wilfully obstructs or assaults an authorised officer in the exercise of his powers conferred by this Act, commits an offence and shall be liable on conviction to imprisonment for a term not exceeding fourteen years.

Protection of officers

109. An act or thing done by an authorised officer shall not, where the act or thing was done in good faith in the exercise or purported exercise of a power conferred by this Act for the purpose of carrying out the provisions of this Act, subject the authorised officer to an action, liability, claim or demand without the consent of the Director of Public Prosecution.

Erection of barriers

110.—(1) For effective carrying out of the provisions of this Act, and notwithstanding the provisions of other written law relating to the obstruction of roads or highways, an authorised officer may erect a temporary barrier across the highway, road, waterway, taxiway or any other place, on land or water used as a passage for a vehicle, vessel or an aircraft.

(2) Any pedestrian or person in charge of a vehicle, vessel or an aircraft on approaching that barrier shall, on being required to do so by an authorised officer, stop or bring that vehicle, vessel or aircraft to a standstill.

(3) A person required to stop or a person on board of the vehicle, essel, or aircraft shall allow the authorised officer to carry out inspection as may be necessary to ensure that an offence under this Act has not been committed or is about to be committed.

(5) A person who fails to comply with the provisions of this section, or who fails to comply with a lawful order given by an authorised officer commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding three years or to both.

Forfeiture

111.—(1) Where a person is convicted of an offence under this Act, the court shall order forfeiture for the Government of -

(a) an animal, livestock or trophy in respect of which the offence was committed;

(b) a weapon in the possession or under the control of the accused at the time when the offence was committed, whether or not there is any evidence to show that the weapon was actually employed by the accused in the commission of the offence;

(c) an article or thing used for the storage, processing, preparation, cooking or otherwise dealing with an animal, game meat or trophy in relation to which the offence was committed;

(d) a vehicle, vessel, aircraft, tent, camping equipment or other article or thing in respect of which the court is satisfied that it was used or employed in the commission of the offence or for the conveyance or storage of an animal, game meat or trophy in relation to which the offence was committed or for the conveyance or comfort of the accused while engaged in the commission of the offence; and

(e) in case of a conviction for an offence in relation to a government trophy, a vehicle, vessel or an aircraft in which the government trophy was found.

(2) The court shall order forfeiture in accordance with the provisions of subsection (1), notwithstanding that the vehicle, vessel, aircraft, weapon, article or thing to be forfeited was owned by a person other than the accused:

Provided that where on the application of the owner of a weapon, vehicle, vessel or an aircraft the court is satisfied -

(a) that the owner did not know and could not by reasonable diligence have known that the weapon, vehicle, vessel or aircraft was intended by the accused to be used or employed for any of purpose which rendered liability for forfeiture;

(b) that the weapon, vehicle, vessel or aircraft has not previously been used for or in connection with the commission of any offence under this Act; or

(c) that having regard to all the circumstances it is just and equitable that the weapon, vehicle, vessel or aircraft not to be forfeited,

the court may make no order for the forfeiture of the weapon, vehicle, vessel or aircraft.

(3) An animal, livestock, trophy, weapon, vehicle, vessel, aircraft or other article forfeited for the Government under this Act shall be placed at the disposal of the Director.

(4) A trophy or other article, other than a government trophy, placed at the disposal of the Director under this section shall be deemed to be a Government property.

Provisions governing minimum senteces

112.– (1) Where, in any trial for an offence for which a minimum sentence of imprisonment or fine is prescribed, the court is satisfied that having regard to special mitigating factors a sentence of imprisonment or fine of a term or amount, as the case may be, less than the minimum term or amount prescribed should be imposed, the court may -

(a) where the trial is before the High Court, pass that sentence of imprisonment or fine as it deems fit;

(b) where the trial is before a court other than the High Court, commit the accused for sentence by the High Court with a recommendation for leniency and stating the grounds and the High Court shall thereupon proceed to pass that sentence as it may deem fit.

(2) The relevant provisions of the Criminal Procedure Act, shall apply where an accused person is committed to the High Court for sentence.

(3) In the case where a person has been convicted of an offence under this Act by a court other than the High Court and sentenced to a minimum sentence of imprisonment or fine prescribed, it shall be lawful for the High Court in the exercise of its appellate or revisional jurisdiction to pass a sentence of imprisonment or fine, as the case may be, less than the minimum term or amount prescribed where the High Court for special mitigating factors deems it fit to do so.

(4) Where, in relation to an offence committed in respect of which a minimum sentence of imprisonment and, in the alternative, a sentence of a fine of a minimum amount is prescribed -

(a) the court passes a sentence of imprisonment of the prescribed minimum term or more and in addition thereto, may impose a fine not exceeding one-half of the maximum fine prescribed in relation to that offence; or

(b) the court imposes a fine of the prescribed minimum amount or more, in addition thereto, may impose a sentence of imprisonment for a term not exceeding one-half of the maximum term of imprisonment prescribed in relation to that offence.

Jurisdiction of court

113.-(1) Where a person is tried for an offence under this Act by a Resident Magistrate's Court presided by a Resident Magistrate, the court shall, notwithstanding the provisions of any other written law, have jurisdiction to impose the maximum fine prescribed in respect of that offence.

(2) Notwithstanding the provisions of other written law, a court established for a District or area of Mainland Tanzania may try, convict and punish or acquit a person charged with an offence committed in any other District or area of Mainland Tanzania.

Assessment of trophy and livestock value

114.-(1) In any proceedings under this Act, the Court in assessing the punishment to be awarded shall calculate the value of a trophy or animal in accordance with the certificate of value of trophies as prescribed by Minister in the regulations.

(2) The value of a livestock shall be calculated on the basis of the normal price of the livestock on a sale in the open market between a buyer and a seller independent of each other.

(3) In proceedings for an offence under this section, a certificate signed by the Director or wildlife officers of the rank of wildlife officer, shall be admissible in evidence and shall be prima facie evidence of the matters stated therein including the fact that the signature thereon is that of the person holding the office specified therein.

(4) The Certificate under subsection (3) shall state the value of a tropy involved in the proceedings.

Power to Prosecute Act No.2 of 2007

115. All matters relating to prosecution of offences committed under this Act shall be conducted in accordance with the provisions of the National Prosecution Services Act.

(d) Compounding of offences

Director's power to compound certain offence

116.-(1) This section shall apply to an offence committed under this Act other than the offence in respect of which a minimum sentence of a fine or imprisonment is prescribed.

(2) The Director may compound an offence by requiring a person to pay a sum of money -

Provided that -

(a) the sum of money shall not be less than two hundred thousand shillings but not exceeding ten million shillings;

(b) the power conferred by this section shall only be exercised where the person admits in writing that he has committed the offence and that he agrees to the offence being compounded under this section; and

(c) the Director shall give a receipt to the person from whom he receives the amount of money.

(3) Where the Director compounds an offence under this section, he may order the forfeiture of -

(a) he animal, livestock, game meat or trophy in relation to which the offence was committed;

(b) a weapon, article or thing used in the commission of the offence or for the storage, processing, preparation or cooking of the animal, livestock, game meat or trophy in relation to which the offence was committed.

(4) Where an offence is compounded in accordance with the provisions of subsection (2) and proceedings are brought against the offender for the same offence, it shall be a good defence for that offender if he proves to the satisfaction of the court that the offence which he is charged with has been compounded under subsection (2).

(5) Where a person is aggrieved by an order made under subsection (2) or (3), he may, within thirty days of the order being made, appeal against such order to the High Court and the provisions of Part X of the Criminal Procedure Act shall apply mutatis mutandis to every appeal as if it was an appeal against a sentence passed by a District Court in the exercise of its original jurisdiction.

(6) The Director shall, at an interval and in a form as the Director of Public Prosecutions may direct, submit to the Director of Public Prosecutions a return of all offences compounded under this section.

PART XVIII
MISCELLANEOUS PROVISIONS

Rewards

117.– (1) Where in the proceedings under this Act a conviction is obtained, the court may, on the recommendation in writing by the Director, award a sum of money to any person who gave information leading to the conviction:

Provided that -

(a) the sum of money awarded as a reward to any person or the aggregate of such sums awarded to more than one person in any one case shall not exceed -

(i) ten percent of the fine or the aggregate of the fine imposed in that case; or

(ii) ten percent of the value of the trophy or the trophies forfeited for the Government consequent upon such conviction; or

(iii) five million shillings,

whichever is the least;

(b) the reward shall not be paid until after the expiry of the period within which the convicted person may appeal against the conviction; or

(c) notwithstanding the provisions of paragraph (b), the reward may be paid as soon as possible in each case where an order under this Act has been made by the court placing the articles concerned at the disposal of the Director.

(2) The Director may authorize the payment of rewards to persons giving information leading to recovery of trophy, arrests or convictions for offences under this Act.

(3) Subject to the provisions of subsection (2), the Minister may, by regulations published in the Gazette, regulate the amount and the payment of rewards.

Protection of persons providing information

118.–(1) An authorized officer and a person called upon to give information leading to the recovery of trophy, arrest or conviction of a person accused for contravention of the provision of this Act shall be indemnified against criminal or civil liability arising from information given by such authorized officer or person.

(2) Without prejudice to subsection (1), an authorized officer or a person called as a witness shall, subject to other written law, not be compelled to disclose the identity of a person who is the source of information leading to recovery of trophy, arrest or conviction of an accused person.

Registration of previous offenders

119.-(1) The Minister shall, after consultation with the Minister responsible for home affairs, and by order published in the Gazette, prescribe appropriate procedure for the registration of persons previously convicted of offences against the wildlife.

(2) After the publication of an order under subsection (1), the Director shall cause the name of every person who has been convicted of any of the offences, to be registered under this Act together with the particulars required for registration in respect of each of those persons.

Continous registration of offenders

120.–(1) Where a person is convicted of an offence under this Act, consisting of -

(a) hunting, capturing or killing an animal without the permission of the Director in writing;

(b) hunting a specified animal or scheduled animal without a licence or a permit granted under this Act;

(c) being in unlawful possession of, or unlawfully having under his control, custody or care, or animal or trophy,

and the person is sentenced to imprisonment for a term of two or more years, the Director shall obtain and cause to be registered in respect of that person-

(i) his name;

(ii) his passport size photograph taken within a month prior to the conviction;

(iii) his finger prints;

(iv) his address, if any, or his place of domicile within the United Republic;

(v) the type of weapon he used in the commission of the offence, if any;

(vi) the nature of the offence he committed; and

(vii) the fine, forfeiture or other penalty imposed on him.

(2) Every person leading the prosecution of a person who is convicted of any of the offences, and sentenced to the extent specified in subsection (1) shall, as soon as practicable after that conviction, notify the Director or his representative of that conviction and of that particulars as the Minister may prescribe, after consultation with the Minister responsible for home affairs and by order in the Gazette.

(3) The Director shall cause to be kept and maintained a register in which there shall be recorded the name of every person convicted of any of the offences, and sentenced to the extent, specified in subsection (1), together with the particulars required to be registered under this section in respect of such person.

(4) Notwithstanding the provisions of written law to the contrary, the Minister may propose, to the Minister responsible for home affairs, to cause a person convicted of any of the offences, and sentenced to the extent, specified in subsection (1) and who is not a citizen of the United Republic, to be declared a parohibited immigrant and to be deported immediately.

Regulations and other subsidiary legislation

121. The Minister may make regulations prescribing or stipulating any matter relating to:

(a) conservation, management and utilization of wildlife;

(b) methods of capturing animals under this Act;

(c) forms of applications for licences, permits, certificates and other documents which may be granted or issued under this Act;

(d) CITES Matters;

(e) fees for licences, permits, certificates and other documents which may be granted or issued under this Act; and

(f) better carrying out the provisions of this Act.

PART XIX

REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

Repeal, savings and transitional provisions Cap. 283

122–(1) The Wildlife Conservation Act is hereby repealed.

(2) Upon the commencement of this Act, a person who is convicted of an offence under the Wildlife Conservation Act shall, notwithstanding the provisions of other written law, be liable to be deemed as having been convicted under the corresponding offence under this Act.

(3) Any rule, order, regulation, direction, notice, notification or other administrative act made, given, issued or undertaken before the commencement of this Act or under any law repealed or amended in a material particular to this Act shall, if it could have been made, given, issued or undertaken under corresponding provision of this Act, continue in force and have the like effect as if it had been so made, given or issued, as the case may be, undertaken under this Act.

FIRST SCHEDULE

(Sections 18, 27, 46, and 52)

Kiswahili Name	*English Name*	*Scientific Name*
	PART I	
	ANIMALS	
Babakoto sanje ...	Sanje Mangabey ...	... Cercocebus sanjei
Choroa ...	Oryx	... Oryx beisa callotis (Thomas)
Chui	Leopard	... Panthera pardus (Linnaeus)
Duma	Cheetah	Acinonyx jubatus (Schereber)
Faru	Black Rhinoceros ...	Diceros bicornis (Linnaeus)
Kipunji	Highland Mangabey	Lophocebus kipunji
Mbuzi-mawe (Nguru)	Klipspringer ...	... Oreotragus oreotragus (Zimmermann)
Mbwa-mwitu	Wild Dog	Lycaon pictus (Temminck)
Mindi	Abbotts Duiker ...	Cephalophus spadix
Nyati (Mbogo) ...	Buffalo	... Syncerus caffer caffer (Sparrman)
Nzohe	Sitatunga	... Limnotragus spekeii (P.L. Sclater)
Palahala rosaveti	Rosevelt Sable ...	... Hippotragus niger roseveltii
Pimbi	Hyrax	... Heterohyrax/Procavia
Pundamilia ...	Zebra	... Equus burchellii (Matschie)
Sengi	Giant Elephant Shrew	Rhynochocyon udzungwensis
Sheshe	Puku	... Kobus vardoni (Livingstone)
Simba	Lion	... Panthera leo (Linnaeus)
Simbamangu ...	Caracal	... Felis caracal (Schreber)
Swala robati ...	Roberts Gazelle ...	... Gazella granti robertsi
Swalatwiga ...	Gerenuk	... Litocranius walleri (Brooke)
Tandala Mdogo ...	Lesser Kudu ...	... Strepsiceros imberbis (Bylyth)
Tembo (Ndovu) ...	African Elephant ...	... Loxodonta Africana (Blumembach)
Tohe-mlima ...	Mountain-Reedbuck	... Redunca fulvorufula (Afzelius)
	BIRDS	
Korongo nyangumi	Shoebill (Whale headed stock)	Balaeniceps rex
Korongo usomwekundu	Wattled Crane	Bugeranus carunculatus
Kozi kipanga ...	Peregrin Falcon ...	Falco peregrinus
Kwale udzungwa	Udzungwa Forest Partridge	Xenoperdix udzungwensis
Ninga	Green Pigeon	Treron
	REPTILES	
Mamba	Slender Snorted Crocodile	Crocodilus cataphractus

AMPHIBIANS

Chura wa kihansi	Kihansi Spray Toad	Nectophrynoides asperginis

NATIONAL GAME

Wanyama wa Taifa	National Game ...	

PART II

Fisi maji ...	African Clawless Otter ...	Aonyx capensis
Fisi maji ...	Spotted necked Otter ...	Lutra maculicollis
Kiboko	Hippopotamus ...	Hippopotamus amphibious (Linnaeus)
Korongo ...	Roan Antelope ...	Hippotragus acquinus (Desmarest)
Kuro-ndogoro ...	Waterbuck-Common ...	Kobus ellipsiprymnus (Ogilby)
Kuro-singisi ...	Waterbuck-Defassa ...	Kobus defasa (Reppell)
Mamba ...	Nile Crocodile	Crocodylus niloticus
Mbuni	Ostrich	Struthio camelus (Linnaeus)
Nyamera ...	Topi	Damaliscus korrigum (Ogilby)
Palahala (Mbarapi)	Sable Antelope	Hippotragus niger (Harris)
Pofu (Mbunju) ...	Eland	Taurotragus oryx (Pallas)
Tandala Kubwa	Greater Kudu	Strepsiceros strepsiceros (Pallas)

PART III (Others)

Wanyama wengine wote	All other animals ...

SECOND SCHEDULE

(Section 3 and 54)

A. BIG GAME

Kiswahili Name	*English Name*	*Scientific Name*
Digidigi (Sunguya) ...	Dikdik	Rynchotragus kirkii

Dondoro	Steinbok	Raphiceros campetris
Kongoni	Hartebeest ...	Alcelaphus buselaphus
Ndimba	Blue Duiker ...	Cephalophus monticola
Ngiri (Mbango) ...	Warthog	Phacochoerus aethiopicus
Nguruwe mwitu ...	Common Bush pig ...	Potamochoerus larvatus
Nguruwe mwitu kaskazi	Kilimanjaro white faced Bush pig	Potamochoerus porcus
Nsya (Ngorombwe)...	Common Duiker ...	Sylvicapra grimmia
Nungunungu ...	Porcupine	Hystrix cristata
Nyamera	Topi	Damaliscus korrigum
Nyati (Mbogo) ...	Buffalo	Syncerus caffer
Nyumbu	Wildebeest ...	Connochaetes taurinus
Paa	Suni	Neotragus moschatus
Pofu (Mbunju) ...	Eland	Taurotragus oryx
Pongo (Mbawala) ...	Bushbuck ...	Tragelaphus scriptus
Sungura	Hare	Lepus capensis
Swala Granti ...	Grants' Gazelle...	Gazella grantii
Swala Tomi ...	Thomsons' Gazelle	Gazella thomsonii
Swalapala ...	Impala	Aepyceros melampus
Taya (Kihea) ...	Oribi	Ourebia ourebi
Tohe Ndope ...	Bohor reedbuck	Redunca redunca
Tohe-Kusi ...	Southern reedbuck	Redunca arundinum

B. GAME BIRDS

Kiswahili Name	*English Name*	*Scientific Name (Genus)*
Bata bukini Mdogo ...	Pigmy Goose	Nettapus
Bata bukini ...	Egyptian Goose	Alopochen
Bata bukini-bawa kijani	Spurwing Goose	Plectropterus
Bata domo-kifundo ...	Knob-billed Goose	Sarkidiornis
Bata kichwa chekundu	Northern Pochard	Aythya
Bata kichwa cheupe	White Faced Whistling Ducks	Dendrocygna
Bata Mdogo ...	Teals	Anas
Bata-makoa ...	Maccoa Duck	Oxyura
Firigogo koo-njano ...	Yellow-Throated Sandgrouse.....	Pterocles
Firigogo tumbo jekundu	Chestnut-Bellied Sandgrouse	Pterocles
Kanga	Helmeted Guinea Fowl	Numida
Kereng'ende ...	Spur Fowl	Francollinus
Kituitui tambo ...	Harlequin Quail...	Cortunix
Kituitui	Common Quail	Cortunix
Kololo	Crested Guinea Fowl ...	Guttera
Kololo tumbusi ...	Vulturine Guinea Fowl ...	Acryllium
Kotwe	White-Backed Duck ...	Thalasornis

Kwale	Francolins	Francollinus
Njiwa	Pigeons	Columba
Pugi	Doves	Oena
Pugi	Doves	Turtur
Tetere	Doves	Streptopelia

THIRD SCHEDULE

(Section 3 and 62)

A. BIG GAME

Kiswahili Name	*English Name*	*Scientific Name*
Bweha dhahabu ...	Golden Jackal	Canis aureus
Bweha masikio ...	Bat-Eared Fox	Otocyon megalotis
Bweha miraba ...	Striped Jackal	Canis adustus
Bweha shaba ...	Silver-Backed Jackal ...	Canis mesomelas
Chatu	Python	Python sebae
Choroa	Oryx	Oryx beisa
Chui	Leopard	Panthera pardus
Dikidiki (Sunguya) kirkii ...	Dikdik	Rynchotragus
Dondoro	Steinbok	Raphiceros campestris
Dondoro-shapi sharpie ...	Sharpe's Grysbok	Nototragus
Fisi (Kingugwa)	Spotted Hyena	Crocuta crocuta
Fisi maji	Otter	Aonyx/Lutra
Fungo ... ... civetta	Civet Cat	Civettictis
Funo (Mbutuka) ...	Red Duiker	Cephalophus natalensis
Kalunguyeye ...	Hedgehog	Erinaceus pruneri
Kamendegere ... capensis	Jumping hare	Pedetes
Kanu	Genet cat	Genetta genetta
Kiboko	Hippopotamus	Hippopotamus Africanas
Kicheche	Zorilla	Ictonyx striatus
Kima	Monkeys...	Cercopithecus spp.
Kimburu	Wild cat	Felis lybica

Komba ...	Bush baby ...	Galago senegalensis
Kongoni ...	Cokes Hartebeest	Alcelaphus buselaphus cokii
Konzi ...	Lichtenstein's Hartebeest	Alcelaphus buselaphus lichtensteinii
Korongo ...	Roan Antelope ...	Hipotragus aequinus
Kuro ndogoro	Common Waterbuck	Kobus ellipsiprymus
Kuro singsing	Defassa Waterbuck ...	Kobus defassa
Mamba ...	Nile Crocodile... ...	Crocodylus niloticus.
Mbega mwekundu ...	Red Colobus Monkey	Colobus badius
Mbega mweupe ...	Black and White Colobus abyssinicus ...	Colobus Monkey
Mbuni ...	Ostrich	Struthio camelus
Mbuzimawe	Klipspringer	Oreotragus oreotragus
Mondo	Serval Cat	Felis serval
Ndimba	Blue Duiker	Cephalophus monticola
Ngiri	Warthog	Phacochoerus aesthipicus
Nguchiro	Mongoose	Viverridae
Nguruwe ...	Bush pig	Potamochoerus porcus
Nsya	Common Duiker	Sylvicapra grimmia
Nungunungu... ...	Porcupine	Hystrix cristata
Nyamera	Topi	Damaliscus korrigum
Nyani mwekundu ...	Olive Baboon	Papio anubis
Nyani njano ...	Yellow Baboon	Papio cynocephalus
Nyati (Mbogo) ...	Buffalo	Syncerus caffer
Nyegere	Honey Badger	Mellivora capensis
Nyumbu kidevu cheupe	White bearded Wildebeest ...	Connochaetes taurinus albojubatus
Nyumbu kusi ...	Nyasa Wildebeest	Connochaetes taurinus taurinus
Nzohe	Sitatunga	Tragelaphus spekei
Paa	Suni	Neotragus moschatus
Palahala (Mbalapi)	Sable Antelope...	Hippotragus niger
Perere	Tree Hyrax	Dendrohyrax boreus/validus
Pimbi	Rock Hyrax	Heterohyrax syriacas (Brauer)
Pofu (Mbunju) ...	Eland	Taurotragus oryx
Pongo (Mbawala) ...	Bushbuck	Tragelaphus scriptus
Pundamilia	Zebra	Equus burchelli
Sheshe	Puku...	Adenota vardoni
Simba	Lion	Panthera leo
Simba mangu ...	Caracal	Felis caracal
Sungura	African Hare	Lepus capensis
Swala granti ...	Grants' Gazelle	Gazella grantii
Swala tomi	Thomson's Gazelle	Gazella thomsonii
Swala twiga ...	Gerenuk	Litocraneus walleri
Swalapala	Impala	Aepyceros melampus
Tandala Kubwa ...	Greater Kudu	Strepsiceros strepsiceros
Tandala Mdogo ...	Lesser Kudu	Strepsiceros imberbis

Taya (Kihea) ...	Oribi	Ourebia ourebi
Tembo (Ndovu) ...	African Elephant	Loxodonta fricana
Tohe-kusi	Southern Reedbuck	Redunca arundinum
Tohe-milima ...	Mountain Reedbuck ...	Redunca fulvorufula
Tohe-ndope ...	Bohor Reedbuck...	Redunca redunca
Tumbili	Vervet Monkey	Cercopithecus acthiops

B. GAME BIRDS

Kiswahili Name	*English Name*	*Scientific Name*
Bata bukini Mdogo...	Pigmy Goose	Nettapus
Bata bukini	Egyptian Goose	Alopochen
Bata bukini-bawa kijani	Spurwing Goose	Plectropterus
Bata domo-kifundo...	Knob-billed Goose	Sarkidiornis
Bata kichwa chekundu	Northern Pochard	Aythya
Bata kichwa cheupe	White Faced Whistling Ducks	Dendrocygna
Bata mdogo ...	Teals	Anas
Bata-makoa ...	Maccoa Duck	Oxyura
Firigogo koo-njano	Yellow-Throated Sandgrouse	Pterocles
Firigogo tumbo jekundu	Chestnut-bellied Sandgrouse	Pterocles
Kanga	Helmeted Guinea Fowl ...	Numida
Keren'gende ...	pur Fowl	Francollinus
Kituitui tambo ...	Harlequin Quail...	Cortunix
Kituitui	Common Quail ...	Cortunix
Kololo	Crested Guinea Fowl ...	Guttera
Kololo tumbusi ...	Vulturine Guinea Fowl ...	Acryllium
Kotwe	White-Backed Duck... ...	Thalasornis
Kwale	Francolins	Francollinus
Ninga	Green Pigeon	Treron
Njiwa	Pigeons	Columba
Pugi	Doves	Oena
Pugi	Doves	Turtur
Tetere	Doves	Streptopelia

FOURTH SCHEDULE

(Section 69 and 71)

DANGEROUS ANIMALS

Kiswahili Name	*English Name*	*Scientific Name*

Faru	Black Rhinoceros ...	Diceros bicornis (Linnaeus)
Fisi	Spotted Hyena ...	Crocuta crocuta
Kiboko	Hippopotamus ...	Hippopotamus amphibious (Linñaeus)
Mamba	Nile Crocodile ...	Crocodylus niloticus
Nyati (Mbogo) ...	Buffalo	Syncerus caffer (Sparrman)
Simba	Lion	Panthera leo (Linnaeus (B)
Tembo (Ndovu) ...	African Elephant ...	Loxodonta Africana (Blumembach)

FIFTH SCHEDULE

(Made under Section 37(9))

MEETINGS AND PROCEDURAL MATTERS OF THE HUNTING BLOCK ALLOCATION ADVISORY COMMITTEE

Tenure of the Chairman

1.–(1) The Chairman shall hold office for a term of three years.

(2) The members of the Hunting Block Allocation Advisory Committee shall elect from amongst their number a Vice-Chairman who shall hold office for three years.

(3) In this Schedule "Committee" means the Hunting Block Allocation Advisory Committee.

Tenure of Members

2. A Member of the Committee shall hold office for three years and unless his membership is terminated due to misconduct or non-attendance without reasonable excuse at three successive meetings of the Committee shall be eligible to be re-appointed for one further term.

Secretariat

3. The Director shall appoint officers from the Division to assist him in ther performance of the Secretariat.

Procedures of the Committee

4.–(1) There shall be not less than two ordinary meetings of the Committee in each year.

(2) An ordinary meeting of the Committee shall be convened by the Chairman by a notice specifying the place, date, time and agenda for the meeting submitted to each member at his usual place of business or residence not less than fourteen days before the date of the meeting.

(3) The Chairman or in his absence, the Vice-Chairman shall be bound to convene a special meeting of the Committee upon receipt of a request in writing from the Minister and where the special meeting is convened, the agenda for that a meeting shall be submitted to each member at his usual place of business or residence not less than seven days before the date of the meeting.

(4) The quorum at any meeting of the Committee shall be half of the members.

(5) The Committee may establish Sub-committees as it sees fit to for the discharge of its functions under this Act.

(6) The Committee and Sub-committees established shall have the power to co-opt a person on to the Committee or Sub-committee either generally or for a specific item of business and that co-opted person shall have all the rights and duties of a member of the Committee or Sub-committee, except that such co-opted person shall not have any right to vote on any matter before the Committee or Sub-committee.

(7) A member who has direct or indirect interest in a matter coming before the Committee or Sub-committee shall disclose the nature of that interest to the Chairman or Vice-Chairman and thereafter shall not take part in a discussion or decision on that matter.

(8) Subject to the provisions of this Schedule, the Committee shall regulate its own proceedings.

Report

5.–(1) The Committee shall at the end of the tenure of office, prepare and submit a report to the Minister.

(2) The report shall consit of -

(a) a statement on number of matters that have been referred to it for advice; and

(b) other matter that the Committee may deem appropriate to submit to the next Committee.

SIXTH SCHEDULE

(Made under Section 91(7))

TENURE OF OFFICE, MEETINGS AND PROCEDURAL MATTERS OF THE BOARD OF TRUSTEES OF TANZANIA WILDLIFE PROTECTION FUND

Tenure of Chairman

1. The tenure of members of the Board shall be three years and shall be eligible for re-appointment for one further term.

The Vice-Chairman

2. The Board of Trustees shall elect from amongst their number a Vice-Chairman.

Administrative Secretary

3. Officers responsible for administration of the Fund shall attend the meetings of the Trustees when matters connected with the management of the Fund are discussed.

Quorum

4. The quorum at a meeting of the Board of Trustees shall be half of the members.

Procedure of the meeting

5.–(1) An ordinary meeting of the Board of Trustees shall be convened by the Chairman and the notice specifying the place, date, time, and agenda for the meeting together with the papers from the meeting shall be submitted to each Trustee at his usual place of business or residence not less than fourteen days before the date of the meeting.

(2) The Chairman or in his absence the Vice-Chairman shall be bound to convene a special meeting of the Board of Trustees upon receipt of a request in writing in that behalf signed by not less than three Trustees.

(3) A Trustee who has direct or indirect interest in a matter coming before the Board of Trustees shall disclose the nature of that interest to the Chairman or the Vice-Chairman and thereafter he shall not, take part in the deliberation or decision on that matter.

(4) Subject to the provisions of this Schedule, the Board of Trustees shall regulate their proceedings.

Annual report

6. The Board of Trustees shall prepare an annual report and submit that report to the Minister.

Passed in the National Assembly on the 3rd February, 2009.

DR. THOMAS D. KASHILILAH
Clerk of the National Assembly