

CHAPTER 333
THE ANTIQUITIES ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 333

THE ANTIQUITIES ACT

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

[1st August, 1964]

Act Nos.
10 of 1964
[R.L. Cap. 550]
22 of 1979
11 of 2003
12 of 2022

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Antiquities Act.

Interpretation
Acts Nos.
22 of 1979 s. 2
11 of 2003 Sch.
12 of 2022 ss. 4
and 5

2.-(1) In this Act, unless the context otherwise requires-

“antiquity” includes a monument, a relic and any protected object;

“appointed day” means the first day of August, 1964;

“authorised officer” includes Antiquities officer, Assistance Antiquities officer, Antiquities Guides and any other officer or person authorised by the Minister to exercise any power or to discharge any duty under this Act or any subsidiary legislation made pursuant to this Act;

“Board of the National Museum” means the Board of the National Museum of Tanzania established under the National Museum of Tanzania Act;

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

“Conservator” means the person appointed to perform the functions of Conservator of Antiquities;

“Committee” means the Advisory Committee for Antiquities established by section 20;

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“Director” means the Director of Antiquities;

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

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

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

“Minister” means the Minister responsible for antiquities;

“monument” means and includes-

- (a) any building, fortification, interment, midden, dam or any structure erected, built or formed by human agency in Tanganyika before the year 1863;
- (b) any rock painting or any immovable object painted, sculptured, carved, incised or modified by human agency in Tanganyika before the year 1863;
- (c) any earthwork, trench, adit, well, cave, tunnel or other modification of the soil or rock dug, excavated or otherwise engineered by human agency in Tanganyika before the year 1863, whether or not the monument shall have been modified, added to or restored at a later date and whether or not it is included in a list published by the Director;
- (d) any site or immovable structure declared to be a monument under section 3; and
- (e) such adjoining land as may be required for the purposes of fencing, covering or otherwise preserving the monument;

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

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

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

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

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

PART II MONUMENTS

Declaration of
monuments and
conservation
areas

Act No.
22 of 1979 s. 3

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

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

- (a) in his opinion is a valuable national heritage for its aesthetic value;
- (b) contains a homogenous group of monuments; or

- (c) contains buildings, structures or other forms of human settlement which in his opinion are a valuable national heritage for their historical, architectural, social or cultural value.

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

Control of
monuments
Act No.
12 of 2022 s. 6

4.-(1) The Director or any other person authorised by him may, at all reasonable times, enter and inspect any monument.

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

Restriction on
certain activities
in relation to
monuments
Act No.
12 of 2022 s. 7

5.-(1) Subject to the provisions of subsection (2), a person, whether beneficially interested or not, shall not do any of the following acts to or in relation to any monument or protected object declared as such by the Minister under section 3, or included in a list published by the Director under section 2 and for the time being in force, or to any other place, site or structure which he knows or has reasonable cause to believe to be a monument, that is to say-

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

(2) This section shall not apply to-

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

Acquisition of
monuments and
conservation
areas

Act No.
22 of 1979 s. 4
Cap. 118

Owners
may require
Minister to
acquire
Monument
Act No.
22 of 1979 s. 5
Cap. 118

6. The Minister may acquire any monument or conservation area in accordance with the Land Acquisition Act.

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

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

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

(4) This section shall apply to a monument—

- (a) which is included in an order made by the Minister under section 3;
- (b) is situated in a municipality, or within the area of a town council or township; and

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

PART III

RELICS AND PROTECTED OBJECTS

Relics discovered
in Tanzania to be
property of the
Republic
Act No.
12 of 2022 s. 8

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

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

(2) Subsection (1) shall not apply to any relic discovered in Mainland Tanzania before the appointed day which is, on that day, in the possession of or held on trust for the Board of the National Museum or the trustees or other governing body of any other museum, university or similar institution to which the Minister may extend the provisions of this subsection.

Protected objects

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

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

PART IV

DISCOVERY AND EXCAVATION

Discovery
of relics or
monuments
Act No.
12 of 2022 s. 9

10.—(1) A person who discovers a relic or monument, or any object or site which may reasonably be supposed to be a relic or monument in Tanzania, otherwise than in the course of a search or excavation made in accordance with a licence granted

under section 13, and the occupier of any land who knows of any such discovery on or under such land, shall forthwith report the same to an administrative officer, the Director, the Conservator or the Curator of the Museum:

Provided that, the discoverer of such a relic, monument, object or site shall take such steps as may be reasonable for the protection and shall, where he makes a report concerning a portable relic or object, if so required, and on payment of the cost of delivery if any, deliver such antiquity or object to an administrative officer, the Director, the Conservator or the Curator of the Museum, as the case may be.

(2) An administrative officer to whom a relic is delivered or a report is made under this section shall report the same in writing to the Director or Director General of the National Museum of Tanzania.

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

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

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

11.—(1) A person except the Director General of the National Museum of Tanzania or persons acting on their behalf, shall not whether on his own land or elsewhere-

(a) excavate, dig or probe for monuments or relics;

- (b) remove or collect any relic or any object he supposes to be a relic from the site of its discovery, except for the purposes of protecting it and reporting the discovery under the provisions of section 10 or for the purposes of delivering it to the authorities if required to do so under that section; or
- (c) search for or collect any ethnographical object, except under and in accordance with an excavation licence or in the case of an ethnographical object, a collector's licence issued by the Director General of the National Museum of Tanzania.

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

Persons to whom
licence may be
granted
Acts Nos.
22 of 1979 s. 7
12 of 2022 s. 11

12. An excavation licence or a collector's licence shall be granted only to a person who satisfies the Director General of the National Museum of Tanzania that-

- (a) he has had sufficient scientific training or experience to carry out the proposed excavation, search or collection satisfactorily;
- (b) he has at his disposal sufficient staff and financial and other resources to enable him to carry out the proposed excavation, search or collection satisfactorily;
- (c) in relation to an excavation licence, he is able to conduct or arrange for, the proper scientific study and publication of any material discovered; or
- (d) in relation to a collector's licence the ethnographic objects collected will be used for study or for a purpose approved by the Director General of the National Museum of Tanzania.

Conditions of
licence
Acts Nos.
22 of 1979 s. 8
12 of 2022 s. 12

13.-(1) A licence under section 11 shall be granted for such period not exceeding a year as the Director General of National Museum of Tanzania may allow and may be renewed for a further period or periods not exceeding a year at any one time.

(2) A licence shall not constitute an authority to the licensee to enter upon or excavate any land or to enter upon any land

and search for or collect any ethnographical object without the consent of the owner of that land.

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

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

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

(6) A person aggrieved by the refusal of the Director General of National Museum of Tanzania to grant a licence or by the cancellation of a licence, may appeal against the refusal or cancellation to the Minister.

PART V

EXPORTS AND SALES

Exports

14.—(1) A person shall not export from Tanzania any-

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

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

Provided that-

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

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

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

Sales

15.—(1) A person shall not sell or exchange any relic discovered in Tanzania, or any protected object, except under and in accordance with a licence issued by the Director.

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

(3) The Director may refuse to grant—

- (a) a general licence under this section; or
- (b) a particular licence under this section—

- (i) to any person who has been convicted of an offence against this Act, or who has been convicted, whether in Tanzania or elsewhere, of any other offence involving fraud, dishonesty or stolen property, at any time during the three years next preceding the date of application; and
- (ii) unless the relic or object is first produced to him, but, save as aforesaid, he shall issue a licence on the applicant paying any prescribed fee and furnishing any prescribed particulars.

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

PART VI

POWERS OF LOCAL GOVERNMENT AUTHORITIES

Powers of Local
government
authorities
relating to
monuments
Caps. 288
Cap. 287

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

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

PART VII

MISCELLANEOUS PROVISIONS

Relics found in
Tanzania before
appointed day
Act No.
12 of 2022 s. 13

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

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

- (a) the Director may, on payment by him of the costs, if any, of delivery, require any person for the time being in possession of any relic included in a list delivered

under this section, to deliver such relic to the Director;
and

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

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

(4) The Director General of the National Museum of Tanzania or any person acting on his instructions-

- (a) may carry out tests and examinations on, and may photograph and make casts, squeezes and other reproductions of, any relic delivered to him under this section; and
- (b) shall return the relic to the person by whom it was delivered to the Director General of the National Museum of Tanzania within one year of its being so delivered.

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

(6) Subsections (1), (2) or (3) shall not apply to the Board of the National Museum or to the trustees or other governing body of any other institution to which subsection (2) of section 8 extends.

18.-(1) A person who intends to operate, control or manage a museum under this Act shall apply for registration to the Director in a prescribed form.

(2) The procedures and requirements for registration of a museum shall be prescribed in the rules made under this Act.

(3) A person who operates or undertakes any activity relating to operation, control and management of a museum without registration commits an offence and on conviction shall be liable-

- (a) in the case of an individual, to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than three months but not exceeding one year or to both; and
- (b) in the case of a body corporate, to a fine of not less than twenty million shillings but not exceeding forty million shillings.

[s. 17A]

Burden of proof
Act No.
12 of 2022 s. 15

19. In any proceedings, whether civil or criminal-

- (a) in connection with a relic or an alleged relic, proof of the object being in Tanzania at any particular time and of its having been made, shaped, painted, carved, inscribed or otherwise produced by human agency before the year 1863 shall be evidence of its having been discovered in Tanzania, and the burden of proving-
 - (i) that the object was not discovered in Tanzania; or
 - (ii) that it was discovered in Tanzania before the appointed day and included in a list delivered to and signed by the Director in accordance with the provisions of section 17,

shall lie upon the person asserting the same:

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

- (b) in connection with a monument or relic, or an alleged monument or relic, a certificate purporting to be under the hand of the Director that the relevant place, site, structure or object was made, shaped, painted, carved, inscribed or otherwise produced or modified by human agency, or erected, formed, built, incised, dug, excavated or otherwise engineered by human agency, before the year 1863, shall be evidence of the matter stated.

[s. 18]

Exchange of illicit
antiquities
Act No.
22 of 1979 s. 9

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

[s. 19]

Establishment of
Committee
Acts Nos.
22 of 1979 s. 10
12 of 2022 s. 4

21.—(1) There is hereby established a Committee to be known as the National Antiquities Advisory Committee.

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

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

[s. 20]

Functions of
Committee
Acts Nos.
22 of 1979 s. 11
12 of 2022 s. 4

22.—(1) The functions of the Committee shall be to-

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

- (b) advise the Government on the method of co-ordinating and monitoring research relating to museology or antiquities carried on in Tanzania or elsewhere on behalf of or for the benefit of the Government of Tanzania;
- (c) advise the Government on the techniques of preserving and restoring monuments, relics, protected objects and buildings situated in a conservation area;
- (d) assist the Government in the establishment of a suitable laboratory for carrying out research in techniques of preservation and restoration of techniques of preservation and restoration of monuments, relics, protected objects and buildings comprised in a conservation area;
- (e) advise the Government in the selection and training of local personnel in scientific and technical fields related to antiquities;
- (f) advise the Government on a system of recording, documentation and reference for material collected in the field of archaeology, ethnography, oral tradition, biological or natural sciences including manuscripts, inscriptions, photographs and reconstructions of archaeological and paleontological finds, sites and types for the purposes of facilitating research, teaching or display;
- (g) promote the documentation and dissemination of information on any research or publication on matters relating to antiquities and for that purpose, to publish any paper, journal or periodical and to participate in or make arrangements for conferences, seminars and discussions; and
- (h) advise the Government on any matter referred to it by the Minister and generally, to advise the Government on any matter for the better carrying out of the objects of this Act.

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

[s. 21]

Establishment of
National Fund for
Antiquities
Acts Nos.
22 of 1979 s. 11
12 of 2022 s. 4

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

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

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

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

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

[s. 22]

Power to erect
Notices or tablet
Act No.
12 of 2022 s. 17

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

Cap. 288
Cap. 287

Cap. 167

- (a) on public land under the jurisdiction of a local government authority under the provisions of the Local Government (Urban Authorities) Act or the Local Government (District Authorities) Act without the consent of such local government authority; and
- (b) on any public highway as defined by section 2 of the Roads Act without the consent of the road authority under whose jurisdiction the public highway lies.

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

[s. 23]

Powers to hand
over relics to
museum, etc

25. The Director may-

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

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

Provided that, relic or protected object shall not be given, lent or handed over to any museum, exhibition or scientific institution outside Tanzania without the consent of the Minister.

[s. 24]

Power to appoint
Honorary
Antiquities
Wardens

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

[s. 25]

Arrest

27.—(1) Where the Director, Conservator or any Honorary Antiquities Warden has reason to believe that any person has committed an offence against this Act, he may require such second mentioned person to furnish him with his name and address and reasonable evidence of his identity; and where any such second mentioned person refuses to give his name and address and reasonable evidence of his identity, the Director, Conservator or any Honorary Antiquities Warden shall have power to arrest such person without warrant.

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

[s. 26]

Penalty
Act No.
12 of 2022 s. 18

28. A person who commits an offence under this Act, on conviction, shall be liable—

- (a) in case of an offence under section 4(2), 11(2), 14(2), 15(4), 17(3) or 24(2), to a fine of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than one year but not exceeding five years or to both; and
- (b) in case of an offence under section 10(5), to a fine of not less than one million shillings but not exceeding three million shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both.

[s. 27]

Rules
Acts Nos.
22 of 1979 s. 12
11 of 2003 Sch.

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

- (a) regulating the sale and exchange of monuments and conservation areas;
- (b) regulating the conduct of excavation and conservation areas;

- (c) prescribing the powers and duties of Honorary Antiquities Wardens which may include powers and duties conferred or imposed by the Act on the Conservator other than those under sections 2, 8, 13, 14, 15, 17, 23 and 24;
- (d) prohibiting and regulating access to monuments and conservation areas;
- (e) restricting and regulating the charging of entrance fees to monuments and conservation areas;
- (f) prescribing appointments, powers and duties of authorised officers under this Act; and
- (g) prescribing anything which may be prescribed:

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

[s. 28]

Application of
Land Acquisition
Act
Act No.
22 of 1979 s. 13
Cap. 118

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

Provided that-

- (a) the provisions of section 19 of the Land Acquisition Act shall not apply where the Minister elects to acquire a monument under section 7 of this Act; and
- (b) in assessing the amount of compensation payable, no account shall be taken of any paleontological, archaeological, architectural or historical value unless

Cap. 118

the person entitled to the compensation paid any sum for that value when he acquired his interest in the land.
[s. 29]

Repeal

31. [Repeals the Monuments Preservation Ordinance Ord. No. 4 of 1937 and amends the Land Acquisition Act Cap. 118].
[s. 30]

SCHEDULE 1

(Made under section 21(2))

Composition of
Committee
Act No.
12 of 2022 ss. 4
and 19

- 1.**-(1) The Committee shall consist of-
- (a) a Chairman who shall be appointed by the Minister;
 - (b) the Director of Antiquities;
 - (c) the Director of the National Museum of Tanzania;
 - (d) the head of department of archaeology and heritage studies appointed by the Minister from a recognised university in Tanzania;
 - (e) the Director General of the Tanzania Commission for Science and Technology;
 - (f) a stakeholder representing Non-Governmental Organisations dealing in heritage matters who shall be appointed by the Minister; and
 - (g) a person with knowledge in heritage matters who shall be appointed by the Minister.
- (2) The Permanent Secretary of the Ministry shall appoint an officer within the Ministry to be the secretary of the Committee.

Vice Chairman

- 2.** The members shall elect one of their number to be the Vice-Chairman of the Committee.

Tenure of office
Act No.
12 of 2022 s. 4

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

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

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

¹ The Schedule was introduced by Act No. 22 of 1979

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

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

Vacancies
Act No.
12 of 2022 s. 4

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

Chairman
to preside at
meetings
Act No.
12 of 2022 s. 4

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

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

Meetings and
procedure of
Committee
Act No.
12 of 2022 s. 4

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

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

(3) All questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to this deliberative vote.

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

Quorum
Act No.
12 of 2022 s. 4

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

Committee
may regulate its
proceedings
Act No.
12 of 2022 s. 4

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

