

THE UNITED REPUBLIC OF TANZANIA



No. 4 OF 1965

I ASSENT,

Julius K. Nyerere
.....
President

24TH MARCH, 1965

An Act to amend the Land Ordinance and the Freehold Titles (Conversion) and Government Leases Act, 1963 in order to provide for the summary recovery of rent due to the Government

[26TH MARCH, 1965]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Government Rents (Summary Short title Recovery) Act, 1965.

2. The Land Ordinance is hereby amended as follows:—

(a) by adding, immediately below section 23, the following new section:—

Amendment
of Land
Ordinance,
Cap. 113

“Summary
proceedings
for
recovery of
rent

24.—(1) Subject to the provisions of this section but without prejudice to any other remedy for the recovery of rent, where any person who is liable for rent for a right of occupancy granted under this Ordinance fails to pay such rent or any instalment thereof on the due date, an authorized officer may serve or cause to be served on such person at his ordinary place of residence or business, a written demand calling upon such person to pay such rent or instalment within fourteen days of the service of the demand and, if at the expiration of such period of fourteen days, the rent or instalment has not been paid, the authorized officer may apply *ex parte* to a civil magistrate having jurisdiction within the area in which the right of occupancy or any part thereof is situated for a summary warrant in the form set out in the Schedule.

(2) An application under this section shall be accompanied by:—

(a) a copy of the demand containing a certificate by the person who served the same stating the time and place of service and the person on whom it was served;

(b) a certificate by the authorized officer of the amount due and owing,

and upon production thereof such civil magistrate aforesaid shall have jurisdiction to grant such summary warrant; and every such warrant shall contain every authority and be executed in all respects as though it were both a warrant of attachment and a warrant of sale issued out of the court of such magistrate.

(3) Nothing in this section shall apply to any case where the annual rent of the right of occupancy exceeds four hundred shillings;

(4) In this section 'authorized officer' means the Commissioner for Lands and such other person as he may appoint in writing in that behalf."; and

(b) by adding, at the end of the Schedule, the following: —

"Section 24

FORM OF SUMMARY WARRANT FOR ATTACHMENT AND SALE (Title)

To the Bailiff of the Court You are commanded to attach and hold the movable property of.....set out in the Schedule hereto, unless the said..... shall pay you the sum of Shs.....being rent due and owing by the said.....on account of the right of occupancy.....and the costs of this attachment, and after giving fourteen days notice by affixing the same to this Court house and after making due proclamation, to sell the said property or so much thereof as shall realize the said sum of Shs.....and the costs of attachment as aforesaid by action. You are further commanded to return this warrant on or before the..... day of.....19.....with an endorsement certifying the manner in which it has been executed or the reason why it has not been executed. Given under my hand and the Seal of this Court this.....day of..... 19.....

Magistrate

The Schedule

Amendment of the Freehold Titles (Conversion) and Government Leases Act 1963 No. 24

3. The Freehold Titles (Conversion) and Government Leases Act, 1963 is hereby amended as follows: —

(a) by adding, immediately below section 18, the following new section: —

"Summary proceedings for recovery of rent

18A.—(1) Subject to the provisions of this section but without prejudice to any other remedy for the recovery of rent, where any person who is liable for rent for a Government lease fails to pay such rent or any instalment thereof on the due date, an authorized officer may serve or cause to be served on such person at his ordinary place of residence or business a written demand calling upon such person to pay such rent or instalment within fourteen days of the service of the demand and, if at the expiration of such period of fourteen days the rent or instalment has not been paid, the authorized officer may apply ex parte to a civil magistrate having jurisdiction within the area in which the Government Lease or any part thereof is situate for a summary warrant in the form set out in the Fifth Schedule.

(2) An application under this section shall be accompanied by: —

- (a) a copy of the demand containing a certificate by the person who served the same stating the time and place of service and the person on whom it was served; and
- (b) a certificate by the authorized officer of the amount due or owing,

and upon production thereof such civil magistrate aforesaid shall have jurisdiction to grant such summary warrant; and every such warrant shall contain every authority and be executed in all respects as though it were both a warrant of attachment and a warrant of sale issued out of the court of such magistrate.

(3) Nothing in this section shall apply to any case where the annual rent of the Government Lease exceeds four hundred shillings;

(4) In this section 'authorized officer' means the Commissioner for Lands and such other person as he may appoint in writing in that behalf."; and

(b) by adding, immediately below the Fourth Schedule, the following new Schedule: —

"THE FIFTH SCHEDULE

(Section 18A)

FORM OF SUMMARY WARRANT FOR ATTACHMENT AND SALE

(Title)

To the Bailiff of the Court

You are commanded to attach and hold the movable property of..... set out in the Schedule hereto, unless the said..... shall pay you the sum of Shs..... being rent due and owing by the said..... on account of the Government lease..... and the costs of this attachment, and after giving fourteen days notice by affixing the same to this Court house and after making due proclamation, to sell the said property or so much thereof as shall realize the said sum of Shs..... and the costs of attachment as aforesaid by auction.

You are further commanded to return this warrant on or before the..... day of..... 19..... with an endorsement certifying the manner in which it has been executed or the reason why it has not been executed.

Given under my hand and the Seal of this Court this..... day of..... 19.....

.....
Magistrate"

Passed in the National Assembly on the seventeenth day of March, 1965.

Shafiqul Haque
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Clerk of the National Assembly