

THE UNITED REPUBLIC OF TANZANIA



No. 65 OF 1966

In discharge of the functions
of the office of the President

I ASSENT


Second Vice-President

29TH DECEMBER, 1966

**An Act to facilitate the Construction and Operation of an Oil Pipeline
between the United Republic and Zambia**

[30TH DECEMBER, 1966]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Tanzania-Zambia Pipeline Act short title 1966.

2. In this Act unless the context otherwise requires- Interpretation
"authorized agent of the company" means any duly authorized employee of the company, any duly authorized contractor of or consultant to the company and the duly authorized employees of such a contractor or consultant;
"company" means the company designated under section 3;
"local authority" means any city council, town council, district council or other similar authority established for the purpose of controlling or managing any city, town, district or other local area;
"Minister" means the Minister for the time being responsible for Industries;
"pipeline" means the pipeline constructed or proposed to be constructed by or on behalf of the company for the carriage of oil or petroleum products from Dar es Salaam in the United Republic to Zambia;
"watercourse" means any river, stream, gully, or channel whether artificial or not, in which water flows, whether continuously or intermittently.

3. The Minister may, by notice published in the *Gazette*, designate a company to be the company for the purposes of this Act and any company so designated may exercise the powers and shall perform the duties vested in or imposed, on the company by this Act.

Power to enter land

(1) The company, and any authorized agent of the company, may-

- (a) enter upon any land in order to survey such land or any portion thereof;
- (b) enter upon any land for the purpose of constructing, placing, maintaining, examining, altering or removing the pipeline.

(2) The company and its authorized agents shall do as little damage as possible in the exercise of the powers conferred by this section and where any damage is caused by reason of the exercise of such powers the owner or occupier of the land shall be entitled to compensation therefor in accordance with the provisions of this Act.

Power to construct, etc. pipeline on any property

5.-(1) The company, and any authorized agent of the company, may construct- place, maintain, alter or remove pipeline in, on, over, under, along or across, any land, building, road, railway or watercourse:

Provided that-

- (a) the company shall not by reason of this Act, acquire any right other than that of user only in the property in, on, over, under, along or across which such line is constructed or placed;
- (b) the company, or any authorized agent of the company, shall not construct, erect, place, alter or remove pipeline under this subsection unless it has first given reasonable notice, so far as is practicable, of its intention to exercise such power to the owner or occupier of the property concerned or to the local authority having the control or management of the property.

(2) In the exercise of powers under this section, the company, and any authorized agent of the company, may-

- (a) cut and remove all such trees, undergrowth bushes and plants as interfere or are likely to interfere with the construction, placing, maintenance, alteration or removal of existing or proposed pipeline;
- (b) open or break up any street or road;
- (c) open or break up any sewer, drain or tunnel in or under any street or road;
- (d) alter the position of any pipe for the supply of water, or alter the position of any sewer, drain or tunnel, or the position of any telephone or telegraph line:

Provided that in any such case the company shall make arrangements, to ensure that there shall not be any undue interference with the supply of water, or with the maintenance of drainage or sewerage, or with the continuance of telephonic or telegraphic communication;

- (e) require the owner of any electricity supply line at the expense of the company to alter the position of such electric supply line.

(3) Where the company or any authorized agent of the company exercises any power under this section in relation to any property

under the control or management of a local authority, or the Postmaster-General or a licensee under the Electricity Ordinance, such authority or other person, may authorize a representative to superintend the work and may require that the work be done to the satisfaction of such representative; and any reasonable expense to which such local authority or the Post Master-General or such licensee is put arising out of the exercise of such power and out of any such supervision shall be reimbursed by the company. Cap. 131

(4) Where the company or any authorized agent of the company in the exercise of any power under this section constructs' or places any pipeline in, on, over, under, along or across any road or railway it shall be so constructed and placed as not to hinder, obstruct or interfere with the passage along such-road or railway.

(5) The company and its authorized agents shall do as little damage as possible in the exercise of its powers under this section and where any damage is caused by reason of the exercise of such powers the owner or occupier of the property shall be entitled to compensation therefor in accordance with the provisions of this Act.

6.-(1) Where any damage is caused to any person in consequence of the powers conferred on the company and its authorized agents by this Act, an action or suit shall not lie but that person shall be entitled to compensation therefor and the liability to and amount of such compensation shall be determined in accordance with the provisions of this section: Compensation for damage

Provided that nothing herein contained shall be construed as entitling any person to compensation-

- (a) for any damage suffered unless he would have been entitled thereto otherwise than under the provisions of this section;
- (b) for any damage suffered as a result of the user of any works authorized under this Act unless such damage results from negligence in such user.

(2) Liability to and the amount of compensation to be paid under this section shall be determined by the Area Commissioner within whose area the property damaged is situate.

(3) If the company or an applicant for compensation is aggrieved by the determination of the Area Commissioner in any particular case, the company or the applicant, as the case may be, may appeal against that determination to a resident magistrate within whose jurisdiction the damaged property is situate and the decision of the resident magistrate shall be final and conclusive.

7. Any person, who without the authority of the company, willfully destroys or damages any part of the pipeline or any works, structure or equipment incidental thereto, shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. Unlawfully damaging pipeline

Amendment
of section
326 of
Penal Code

8. Section 326 of the Penal Code is amended in subsection (3) by deleting the comma at the end of paragraph (c), substituting therefor a semi-colon and the word or and adding immediately thereafter the following:-

"(d) if the property in question is the pipeline referred to in the Tanzania-Zambia Pipeline Act, 1966 and the damage is done with intent to prevent or obstruct the use of the pipeline,".

Passed in the National Assembly on the twenty-first day of December, 1966.



Acting Clerk of the National Assembly