



**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF NATURAL RESOURCES AND TOURISM**

THE TANZANIA WILDLIFE MANAGEMENT AUTHORITY ACT

(PRINCIPAL LEGISLATION)

July 2013

THE TANZANIA WILDLIFE MANAGEMENT AUTHORITY ACT
(PRINCIPAL LEGISLATION)
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THE TANZANIA WILDLIFE MANAGEMENT AUTHORITY ACT

An Act to establish the Tanzania Wildlife Management Authority as an autonomous body and for making provisions for efficient and effective protection, management and administration of wildlife resources outside the Ngorongoro Conservation Area and National Parks, and for other related matters.

Enacted by the Parliament of the United Republic of Tanzania

Sections

PART I

PRELIMINARY PROVISIONS

1. Short title.

- (1) This Act may be cited as the Tanzania Wildlife Management Authority Act, 2013.
- (2) This Act shall come into operation on such date as the Minister may appoint, by notice in the Gazette.

2. Application.

This Act shall apply to Mainland Tanzania.

3. Interpretation.

- (1) In this Act, unless the context otherwise requires –
 - "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 and the young and egg thereof, other than domestic animals;
 - "authorised officer" means the Director of Wildlife, the Director General, a wildlife officer, Wildlife warden, wildlife ranger or police officer, and includes the following-
 - (a) an employee of the Tanzania Wildlife Management Authority of, or above the rank of wildlife ranger;
 - (b) an employee of the Forest and Beekeeping Division of, or above the rank of forest ranger;
 - (c) an employee of the Tanzania Forest Services of, or above the rank of forest ranger;
 - (d) an employee of the national parks of, or above the rank of park ranger;
 - (e) an employee of the Ngorongoro Conservation Area of, or above the rank of ranger;
 - (f) an employee of the Fisheries Division of, or above the rank of fisheries assistant;
 - (g) an employee in a Wildlife Management Area of a designation of a village game scout;
 - (h) an employee of the Marine Parks and Reserve of, or above the rank of marine parks ranger;
 - (i) an employee of the Antiquities Division of, or above the rank of conservator of antiquities;
 - (j) an employee of the Tourism Division of, or above the rank of tourism officer; and
 - (k) any other public officer or any person, who shall be appointed in writing by the Director General;
 - "Board" means the Board of Directors of the Authority established under Section 7 of the Act;
 - "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 40;

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

"conservation" in relation to the wildlife, 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 28;
- (b) a game controlled area established under section 31;
- (c) a wetland reserve established under section 31
- (d) a corridor area, migratory routes, buffer zone and dispersal area designated under section 36;
- (e) a Wildlife Management Area established under section 21 of Wildlife Conservation Act;
- (f) a national park established under the National Parks Act (Cap.282);
- (g) the Ngorongoro Conservation Area established by the Ngorongoro Conservation Area Act (Cap. 284);
- (h) a conservation area established under the Antiquities Act (Cap.333);
- (i) a marine park established under the Marine Parks and Reserves Act (Cap.146);
- (j) a marine reserve established under the Marine Parks and Reserves Act (Cap.146);
- (k) a forest reserve established under the Forest Act (Cap.323); and
- (l) 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;

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

"Director" means the Director of Wildlife;

"Director General" means the Director General of Wildlife Management Authority

"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 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;

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

"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 utilization;

"fish" shall have the meaning assigned to it under the Fisheries Act (Cap.279);

"foreign livestock" means a livestock grazed in a game or wetland reserve in contravention of section 34 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;

"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, and 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 an area declared to be a game controlled area under section 31

"game reserve" means an area declared to be a game reserve under section 28

"game sanctuary" means a place where wild animals are reared in captivity mimicking 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;

"highway" shall have the meaning assigned to it under the Road Act No13 of 2007;

"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 General for trophy hunting;

"hunting licence" means any licence issued under Part V 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 utilize wildlife resources in a sustainable manner;

"ivory" means elephant tusk;

"licensing officer" means a wildlife officer designated as such by the Director General.

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

"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 park" means an area set aside 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, camping, 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 drawing leisure 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 pictures of any animal or process, and includes cinematography, video shooting and filming of wildlife or its habitat;

"problem animal"

"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.....

"road" means any highway and any other road to which the public has access and includes bridges over which a road passes 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, whole or part live or dead used for scientific purposes;
- (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 recognizable 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 54;

"trophy" means any animal alive or dead, and any horn, ivory, tooth, tursh, blood, 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;

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

"wetlands area" means any area managed as a wetlands area under section 31

"wetlands reserve" means any area managed as a wetland reserve under section 31

"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 Authority" means an autonomous body that protects, manages and administers wildlife resources outside the Ngorongoro Conservation Area and National Parks.

"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 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, Wetland reserve, game controlled areas, wildlife management areas and the Ngorongoro Conservation Area;

"wildlife ranch" means an area of extensive multifunctional utilization of species of wildlife where a wide range of complimentary uses are professionally managed so as to render the animals compatible of tourism 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.

4. Objectives of the Act

(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. 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
- d. 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
- e. 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;
- f. foster sustainable and legal use of wildlife resources and take appropriate measures to prevent illegal use of wildlife
- g. 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;
- h. mitigate human-wildlife conflicts wherever they occur;
- i. 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;

PART II

ESTABLISHMENT, LEGAL STATUS AND FUNCTIONS OF THE AUTHORITY

5. Establishment of the Authority

- (1) There is hereby established an autonomous Authority which shall be known as the Tanzania Wildlife Management Authority also known by its acronym as “TAWA”.
- (2) The Authority shall be a body corporate, with a uniformed and disciplined paramilitary force, having perpetual succession and a common seal and shall in its corporate name be capable of:-
 - (a) suing and being sued,
 - (b) acquiring, holding, alienating, managing and disposing of any property, whether movable or immovable, and whether by way of investment or otherwise,

- (c) entering into any contract and other transactions which may be necessary or expedient for the performance of its functions under this Act or any other written law.
 - (d) exercising any of the powers and performing the functions conferred upon it by or under this Act,
- (3) A document in writing recording acts or decisions of the Authority may be executed or authenticated on behalf of the Authority by the signatures of the Chairman, Secretary to the Board or legal counsel of the authority.
- (4) The common seal of the Authority shall be authenticated by the signatures of the Director-General or the legal counsel of the Authority.
- (5) The signatures of the Director General or Legal Counsel of the Authority shall authenticate the common Seal of the Authority.
- (6) Judicial notice shall be taken of the common seal of the Authority and any document executed or authenticated in accordance with this section.

6. Functions of the Authority

- (1) The function of the authority shall be:-
- (a) To protect and conserve Wildlife outside the jurisdiction of Tanzania National Parks and Ngorongoro Conservation Area Authority
 - (b) To administer areas that are designated as Game Reserves, Game controlled areas, Wetlands Reserves, and Ramsar Sites.
 - (c) To administer protection and utilization of wildlife in corridors, dispersal areas, open areas, Wildlife Management Areas, village land, public and private land.
 - (d) To issue permits for utilization of wildlife in sanctuaries, wildlife farms, ranches, Wildlife Management Areas, Zoos and any other related wildlife utilization.
 - (e) To address all land use conflicts affecting wildlife in collaboration with relevant authorities
 - (f) To manage human wildlife conflict in collaboration with other wildlife management institutions.
 - (g) To ensure the systematic management of financial, human and natural resources for the conservation of wildlife so that the abundance and diversity of species is maintained at optimum level
 - (h) To link with other institutions on matters related to wildlife conservation.
 - (i) To improve wildlife resource base investment in collaboration with other institutions, private sector and or, local communities.

- (j) To undertake law enforcement and curb illegal off take of wildlife resources.
 - (k) To sensitize, educate and communicate the values of wildlife resources to stakeholders.
 - (l) To ensure participatory wildlife management and equitable distribution of cost and benefits among stakeholders.
 - (m) To participate in implementation of government commitment to National, Regional and international obligations in relation to development of wildlife sector.
- (2) Notwithstanding the provision of subsection (1) the Authority may delegate any of its functions under this act to any member of the Authority, to any committee of the Authority or to the Director-General or to the Board.

PART III

THE BOARD OF DIRECTORS, RESPONSIBILITIES AND ITS POWERS

7. Establishment of the Board of Directors

- (1) There is established a Board of Directors as the governing body of the Authority vested with the powers of managing the functions of the Authority.
- (2) The term of service of each Board shall be three years
- (3) Each Board Member shall serve for not more than two consecutive terms.
- (4) The Board shall be non-executive and shall consist of ten members in the following category;
 - (a) The Chairman who shall be appointed by the President, and who is,
 - i. A graduate from a recognized university,
 - ii. A person of proven quality, integrity, and experience in public service in Wildlife matters, Economics, Laws, Management or related discipline.
 - (b) Other board members;
 - i. two eminent wildlife scientists who are public servants in the wildlife sector, at senior level as an economist and natural resources manager respectively to be appointed through a competitive procedure
 - ii. two members who are not public servants with quality, integrity, knowledge and experience in wildlife conservation to be appointed through a competitive procedure
 - iii. a senior officer of a rank of Director or above representing the Ministry of Finance;
 - iv. A senior officer of or above the rank of the Major General representing the Chief of Defense Force

- v. A senior officer of a rank of Director representing the Local Government
- vi. A senior officer of a rank of Commissioner of Police representing the Inspector General of Police.
- vii. The Director General who shall be the Secretary to the Board and-an ex officio member of the board.

8. Responsibilities of the Board

(1) The responsibilities of the Board shall be;

- i. To provide oversight direction and guidance to the affairs of the Authority.
- ii. To be the custodian of the Authority's assets and resources.
- iii. To ensure that adequate funds and resources necessary for carrying out the Authority's mandate, in accordance with enabling policy and legislation, are made available;
- iv. To review and approve the Authority's strategic plans, general management plans, business plans, annual plans, investment plans, budgets and contracts;
- v. To evaluate the performance of the Authority;
- vi. To be an appointing and disciplinary authority with powers of hiring and firing;
- vii. To promote good governance practices to the Authority;
- viii. To explore and secure sustainable financing mechanisms for the Authority.

9. Power of the Board to delegate

- (1) The Board may, by resolution either generally or in particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.
- (2) The Board may revoke a delegation made by it under this section.
- (3) No delegation made under this section shall prevent the Authority or the Board from itself performing or exercising the function, power, authority or duty delegated.
- (4) Any delegation made under this section may be published in the Gazette, and upon the publication shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.
- (5) The Board shall not have power under this section to delegate—
 - (a) its power of delegation; or

- (b) The power to approve the annual budget or any supplementary budget of receipts and expenditure, the annual balance sheet or any statement of account.

10. Conduct of business and affairs of the Board

The conduct and regulation of the business and affairs of the Board shall be as provided in the fifth Schedule to this Act, but subject thereto, the Board may regulate its own procedure.

11. Remuneration of Board members

The Authority shall pay to members of the Board such remuneration, fees or allowances for expenses as the minister may determine.

PART IV

THE DIRECTOR GENERAL OF THE AUTHORITY

12. The Director General

- (1) There shall be a Director General of the Authority who shall be appointed by the Board on competitive basis and approved by the Minister.
- (2) The Director General shall be the Chief Executive and Accounting Officer of the Authority and, subject to the general supervision and control of the Board, shall be responsible for the day-to-day operations of the Authority, the management of funds, property and business of the Authority and for the administration, organization and control of other officers and staff of the Authority.
- (3) The Director General shall designate suitable wildlife officers to be licensing officers for purposes of this Act.

13. Qualifications of the Director General

Notwithstanding the provisions of section 12 (1) of the Act, a person shall not qualify for appointment as Director General unless he is proven to possess an academic qualification of a masters degree or above in the field of wildlife Management, Conservation or Ecology from a recognized university, with a minimum of twelve years working experience, at a senior management level, in the respective field.

14. Delegation of functions of the Director General

- (1) The Director General may, by notice in the Gazette or by writing, delegate any of his functions to a subordinate officer of the authority or any other authorized officer.
- (2) Where the function to be delegated relates to the exercise of statutory powers under the Act or other law, the delegation under this section shall be effected by a Notice published in the Gazette.
- (3) Where, pursuant to subsection (1) and (2), the Director General 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 exercised the power of the Director General.

15. Responsibilities of the Director General

Subject to the provision of section 11 of the Act, the Director-General shall be appointed to serve on such terms and conditions as shall be set out in the letter of appointment.

PART V

STAFF OF THE AUTHORITY AND MATTERS RELATING TO THE AUTHORITY'S PARAMILITARY FORCE

16. Staff to acquire paramilitary training

- (1) The authority shall be composed of uniformed and disciplined personnel, recruited after having acquired requisite paramilitary training.
- (2) The authority shall observe strict paramilitary code of conduct, with clear organizational structure and paramilitary ranks as to be specified in the regulations to be issued by the Minister under section 16 of the Act.
- (3) All adopted civilian staff shall be bound to acquire paramilitary training in order to be retained by the Authority.
- (4) Every staff recruited under this section shall take and subscribe to the oath of allegiance.
- (5) A staff of the Authority shall be promoted to a subsequent rank after successfully acquiring appropriate training for the rank.
- (6) The Minister shall within the first six months from the commencement of this Act, cause to be issued the conditions and terms of service and the various grades-ranks and appointments in it; regulations providing for a code of conduct prescribing the standard of behavior to be observed by the members and employees of the Authority in the performance of their duties.
- (7) Every paramilitary member of the Authority shall have the powers and privileges as conferred upon other paramilitary forces by the provisions of their respective laws relating to the use of firearms and ammunition.
- (8) The Board may on such terms and conditions as it deems fit appoint such other employees, agents or servants of the Authority as may be necessary for the performance of the functions of the Authority.

17. Matters relating to the Authority's paramilitary force

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 description, use, acquisition of arms, ammunition, accoutrements, uniforms and other necessary supplies; and
- (b) Matters generally relating to the good order and administration and organizational structure of the paramilitary force.
- (c) the regulation of matters relating to discipline of the paramilitary force grades-ranks and appointments within the Authority;

18. Possession and use of firearms

- (1) For the purpose of effective fulfillment of the functions of the authority under the Act, the servants of the authority shall, subject to provisions of the Arms and Ammunition Act, have the right to possess and use suitable and appropriate firearms and ammunition and they shall enjoy the powers and privileges as conferred upon other forces by the provisions of their respective laws relating to the use of firearms and ammunition.
- (2) Any authorized officer in the Authority 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,

Provided that the respective officer has reasonable grounds to believe that he cannot otherwise prevent the escape or safely desist the offender from resisting the arrest without endangering his life or that of other civilians, and has given a warning to such person that he is about to use such arm against him and such warning is unheeded.

- (3) Any authorized officer in the Authority 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.
- (4) Any authorized officer in the Authority in enforcing the provisions of this Act may use a firearm against any person where such authorized officer has reasonable grounds to believe that the officer or any other person is in danger of bodily harm.
- (5) Any authorized officer in the Authority in enforcing the provisions of this Act, may use a firearm against any person where such authorized officer has reasonable grounds to believe that the officer or any other person is in danger.
- (6) The power conferred on an authorized officer in the Authority 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), paramilitary staff of the Authority shall, subject to the Arms and Ammunition Act or any other written law have the right to possess and use firearms.

19. Prohibition of derogation from other laws

The power conferred on an authorized officer in the Authority by section 18 shall be in addition to and not in derogation of any other power conferred to such officer by any other law.

PART VI

FUNDS AND RESOURCES OF THE AUTHORITY

20. Funds and resources of the Authority

- (1) The funds and resources of the Authority shall consist of—
 - (a) such moneys as may be provided by Parliament for the purposes of the Authority either by way of grant or loan;
 - (b) any loan or subsidy granted to the Authority by the Government or any other person;
 - (c) such sums of money as may be payable to the Authority pursuant to this Act or any other written law, or pursuant to any gift or trust;
 - (d) any sum of money or property which may in any manner become vested in the Authority as a result of the performance by the Authority of any of its functions;
 - (e) any voluntary subscription, donation or bequest received by the Authority from any member of the public for the purposes of furtherance of the functions of the Authority;
 - (f) Any fee or other monies received or raised by the Authority pursuant to any provision of this Act or any subsidiary legislation made under it.

21. Annual and supplementary budget

- (1) The Board shall, in not less than two months before the beginning of any financial year, other than the first financial year, at its meeting specifically convened for that purpose, pass a detailed annual budget of the amounts respectively, expected to be received or disbursed by the Authority during that financial year.
- (2) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Board.
- (3) If in any financial year the Authority requires to make any disbursement not provided for or of an amount in excess of the amount provided for, in the annual budget for the year, the Board shall, at a meeting, pass a supplementary budget detailing the disbursement.
- (4) The annual budget and every supplementary budget shall be in any form and include any details, which the Minister may direct.
- (5) Upon the passing of any annual budget or any supplementary budget, the Board shall submit the same to the Minister for notification.
- (6) Where the Board has approved any annual or supplementary budget, the budget shall be binding on the Authority, which shall confine its disbursements within the items and the amounts contained in the approved budget.
- (7) Subject to the approval of the Board the Director General may:-
 - (a) Reallocate any sum of money from the amount of expenditure provided for in any budget in respect of any item, to any other item contained in the budget provided

that, the reallocation is effected in a period of not less than six months after the approval of the respective budget.

- (b) Adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Board within two months of the alteration of expenditure limits becoming necessary.

22. Reserve and special funds

The Board may, subject to approval of the Minister, establish and maintain reserve or special funds of the Authority which the Board or the Minister may consider necessary or expedient, and shall make into or from any of those funds any payments which the Board may deem fit.

23. Investment

The Board may, from time to time, invest any part of the moneys available in any fund of the Authority maintained by it in such manner as the Board may deem fit.

24. Power to borrow

- (1) Subject to approval of the Minister the Board may, from time to time, borrow moneys for the purposes of the Authority by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any direction by the Minister, the Board may deem fit.
- (2) In exercising its powers under this section, the board shall ensure that, the amount of money borrowed and the interest accruing thereof, or the overdraft facility undertaken, does not exceed half the value of the Net Assets of the Authority.

25. Accounts and audit.

- (1) The Authority shall maintain proper books of accounts and records with respect to—
 - (a) the receipt and expenditure of moneys by, and other financial transactions of, the Authority;
 - (b) the assets and liabilities of the Authority,
- (2) The Authority shall make out for every financial year a balance sheet and a statement showing details of the income and expenditure of the Authority and all its assets and liabilities.
- (3) The accounts, including the balance sheet of the Authority relating to the respective financial year shall be audited by the Controller and Auditor General in not later than six months after the close of every financial year;
- (4) The accounts of the Authority as certified by the Controller and Auditor-General or any other person appointed by him on his behalf together with the audit report shall be forwarded annually to the Board and the Minister.

26. Report by the Board

The Board shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Authority's business during that financial year, and the Minister shall lay a copy of the report before the National Assembly together with a copy of the statement of accounts required to be laid before the National Assembly.

27. Liability of Members

Without prejudice to the provisions of section 284A of the Penal Code or the Public Officers (Recovery of Debts) Act, no act done, or omitted to be done, by any member of the Board of Directors or by any officer, servant or agent of the Authority shall, if done or omitted to be done bona fide in the execution or purported execution of his duties as a member, officer, servant or agent, subject that person to any legal action, liability or demand.

PART VII

WILDLIFE PROTECTED AREAS AND GENERAL RESTRICTION

Game reserve, wetlands area, wetlands reserve and game controlled area

28. Establishment of game reserves.

- (1) The President may, after consultation with relevant 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 with a potential for wildlife resources and upon such order being made the condition specified therein shall apply to the area in relation to which an order is made as if such area was a game reserve, and any contravention of such condition or in relation to such area shall be punishable accordingly.
- (3) For the purposes of giving effect the provisions under this section, any person who has a right in any land within an area declared to be a game or wetland reserve shall be entitled to compensation as per the provisions of the Land Acquisition Act, [Cap 118 R.E 2002] and the Land Act [Cap 113 R.E 2002].

29. Restriction on entry into a game reserve.

- (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 General 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 imprisonment for a term of not less than three years and a fine of not less than one million shillings.

30. Restriction on possession of weapons in a game reserve.

- (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 General previously sought and obtained.

- (2) A person who contravenes subsection (1) shall:
- a) in case of possession of a bow, arrow or any other weapon be liable to a fine of not less than two million shilling or to imprisonment for a term of not less than four years;
 - b) in case of possession of a single action fire arm be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than five years or to both such fine and imprisonment.
 - c) in case of possession of automatic fire arms be liable to imprisonment for a term of not less than ten years and a fine of not less than ten million shillings or to both such fine and imprisonment.

31. Establishment and management of game controlled areas, wetland reserves and wetland areas

- (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, provide for the management of game controlled areas.
- (3) Subject to subsections (1) and (2) of section 56 of the Environmental Management Act, the Minister may, in consultation with the Minister responsible for environment, establish an area in a protected wetland to be a wetland reserve and cause to be made regulations and guidelines prescribing for their sustainable management.
- (4) 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 wetland areas

32. Protection of vegetation in game reserve and wetlands reserve

- (1) A person shall not willfully 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 General previously sought and obtained.
- (2) Any person shall not graze any livestock in a game reserve or wetlands reserve.
- (3) Any person who contravenes the provision of subsection (1) commits an offence and on conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term of not less than three years or to both such fine and imprisonment.
- (4) Any person who contravenes the provision of subsection (2) commits an offence and upon conviction shall be liable to a fine not less than fifty thousand shillings per head of livestock or imprisonment for a term of not less than five years or to both such fine and imprisonment;

33. Hunting in game reserve, game controlled area or wetlands reserve

- (1) A person shall not, save with the permission in writing of the Director General, 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 of not less than five years and the court may, in addition thereto, impose a fine of two million shillings or;

in the case a 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 four years but and the court may, in addition thereto, impose a fine of not less than one million five hundred thousand shillings

(b) 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 three years and in addition the court may impose a fine of not less than one million shillings ; and

(c) in the case of any other offence, to a fine of not less than one million shillings or to imprisonment for a term of not less than three years.

34. Other restrictions in game reserve, wetlands reserve and game controlled area

(1) Any person shall not do any of the following activities within any game reserve, wetlands reserve or game controlled area –

(a) settle, 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 General that it was intended to be used for a purpose other than hunting, killing, wounding or capturing of an animal; or 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 -

(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; concession fee has been paid in accordance with the regulations made by the Minister; and the Government is the initiator of such undertaking.

- (4) Any person who contravenes the provision of this section commits an offence and on conviction shall be liable to a fine of not less than two million shillings or to imprisonment for a term of not less than three years or to both such fine and imprisonment.

35. Restriction on grazing livestock in a game controlled area

- (1) Any person shall not, save with the written permission of the Director General previously sought and obtained, graze any livestock in any game controlled area.
- (2) Any person who contravenes the provision of this section commits an offence and shall be liable on conviction to a fine of three hundred thousand shillings per head of livestock or to imprisonment for a term of not less than 3 years or to both such fine and imprisonment.

PART IX

PROTECTION OF WILDLIFE CORRIDOR, DISPERSAL AREA, BUFFER ZONES AND MIGRATORY ROUTES

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

- (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 (1) of this section shall declare rights of communities that are compatible with conservation.

37. Establishment of species management areas

- (1) The Minister may, in consultation with the relevant authorities 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.

38. Declaration of species management areas

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

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

39. Prohibition of certain human activities in species management areas

- (1) Any person who without the permission of the Director General 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 shall be 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 or to imprisonment for a term of not less than three months or to both such fine and imprisonment.

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

40. Restriction relating to a national game

- (1) A person shall not, except by and in accordance with the written permission of the Director General, previously sought and obtained, hunt, kill, capture, wound or molest any national game.
- (2) A person who contravenes the provisions of Sub section (1) or 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 three years; and
 - (b) in any other case, to a fine of not less than five hundred thousand shillings or to imprisonment for a term of not less than two years or to both such fine and imprisonment.

41. Declaration of closed season

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."

42. Restriction relating to closed season

- (1) Where an order has been made under section 41 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 the Director General.

- (2) The Director General shall not issue the permission 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 to -
- (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 three years or to both such fine and imprisonment;
 - (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 three 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 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 five hundred thousand shillings or to imprisonment for a term of not less than two years or to both such fine and imprisonment.

43. President's power to lift restrictions

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.

PART IX

GENERAL MANAGEMENT MEASURE

44. Management Plans

- (1) The Director General 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 authorized 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.

45. Environmental Impact Assessment

- (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 pipe lines;
 - (c) semi or permanent establishments;
 - (d) construction of dams, power stations, electrical and telecommunication installations; and
 - (e) Such other similar developments or activities as the Director General 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:-
 - (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.

46. Impact assessment guidelines

- (1) The Director General may, in consultation with other relevant authorities and institutions, prepare Environmental Impact Assessment guidelines.
- (2) In performing his functions under this section, the Director General may consult with persons, authorities, institutions and organizations likely to be affected.

47. Approval of environmental impact assessment

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

48. Wildlife impact assessment

The Director General may conduct a wildlife impact assessment where any project undertaken under section 41 of the Act or any activity undertaken is likely to adversely affect any wildlife species, community or habitat.

49. Environmental audit and monitoring

The Director General 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 XI

CONSUMPTIVE AND NON-CONSUMPTIVE USE OF WILDLIFE

50. The hunting blocks allocation

- (1) Hunting Block Allocation is vested to the Board.
- (2) The Board shall allocate a hunting block to prospective applicant.
- (3) Notwithstanding the provisions of subsections (2), no hunting company shall be allocated more than three hunting blocks of the same grade or category.

- (4) 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 made under this Act.
- (5) The minimum score referred to, under subsection (4) shall contain an annual performance assessment and the evaluation of utilization of the hunting block to be made in the third year of the hunting term.
- (6) Matters relating to categories, size and quality of hunting blocks shall be prescribed in the regulations.
- (7) The Board shall ensure that any modality or system used in allocation of hunting blocks is transparent and is in line with the principles of good governance.
- (8) Notwithstanding the provisions of this section, the Board 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 Board to take into consideration;
 - (b) gave false or incorrect information on the application for a hunting block;
 - (c) has been convicted of any offence under this Act or any wildlife related legislation;
 - (d) Has failed to pay the necessary fees or any other debt due to him in relation to his hunting block; or has sublet a hunting block allocated to him.
- (9) 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.
- (10) Any person who is aggrieved by the decision of the Board may within thirty days of the decision make an application for the administrative review to the Minister.
- (11) The Minister shall make a decision on the matter within thirty days after receiving the application for administrative review, which shall be final.
- (12) A person who is further aggrieved by the decision of the Minister may apply for a judicial review to the High Court within ninety days from the date of the decision sought to be reviewed.
- (13) Notwithstanding the provisions of this section, a hunting company shall not be considered for allocation of a hunting block, unless-
 - a) It is a company registered with the registrar of companies in Tanzania.
 - (b) Its share holder(s) do not own shares in another hunting company

- (14) No hunting company shall own less than three or more than five hunting blocks
- (15) The percentage of hunting blocks allocated to all foreign owned companies shall not exceed forty percent of the total number of hunting blocks at any particular time
- (16) The Board shall prescribe shares to be owned by citizens in any hunting company, however, the shares to be owned by the citizens shall not be less than twenty five percent of subscribed shares

51. Restriction to grant of licenses and permits

- (1) The Board may, 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 license in relation to any category of animals specified in the declaration.
- (2) Where the declaration under subsection (1) is made in relation to any category of persons, persons belonging to that category shall not be entitled to apply for or obtain a hunting license in respect of any animal to which the declaration applies and any such license granted to any such person shall be null and void.

52. No hunting without license

- (1) 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 license issued to that person.
- (2) Any person who wounds an animal shall use all reasonable endeavors to kill it at the earliest opportunity.

53. General provisions relating to game license

- (1) A hunting license 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 license 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 General;

- (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;

54. Access to wildlife by traditional community

- (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 regulate the utilization of wildlife.
- (2) The Director General 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 any other 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.

55. Hunting of specified and scheduled animals

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.

56. Unlawful hunting of specified or scheduled animals

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 five 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 four 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 three years and in addition thereto, the court may impose a fine of 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 wounded animal or to imprisonment for a term of not less than two years.

57. Professional hunter's license

- (1) A person shall not work as a professional hunter unless he has a professional hunter's license issued under this Act.
- (2) The Director General shall not issue a professional hunter's license 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 recognized tourist hunting company; and
 - (d) Has successfully completed any test as may be required.
- (3) A professional hunter's license 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) Subject to the provision of subsection (3) a professional hunter's license 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.

58. Professional hunter's license for a non-citizen

- (1) A professional hunter license for a non-citizen shall, in addition to the conditions stipulated under section 53 be endorsed with the name of the employer of the hunter, who shall be the same as the one endorsed on the work permit.
- (2) Where any change of employer by a non-citizen professional hunter occurs, the professional hunter license shall be invalidated and be handed over to the Director General within fourteen days of such change.
- (3) Where a professional hunter's license is invalidated a new professional hunter license 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 General may attach any conditions to the license as he may determine.

59. No animal to be captured without permit

- (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.

60. Grant of capture permit

The Director General 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.

61. General provisions relating to capture permits

- (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 General may specify.
- (3) There shall be charged in respect of a capture permit such fee as the Minister may prescribe upon recommendation by the board, by order in the Gazette.
- (4) Subject to the provisions of subsection (3), any local authority shall, after consultation with the Director General and approval in writing by the Minister, charge royalty in respect of a capture permit.

62. Unlawful capture of animal

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 authorized 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 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 four 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 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 two years.

63. Non consumptive wildlife tourism.

- (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.

64. Hunting of unscheduled animals without permit

- (1) A person shall not without the written authority of the Director General 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 minimum term of one year or both fine and imprisonment.

65. Prohibition on killing young animal and female pregnant animal

- (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 license, 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 authorized by the license, permit or written authority of the Director General, 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 minimum term of three years or both fine and imprisonment.
- (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 minimum term of five years or both fine and imprisonment.

66. Hunting or capture on land

- (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 license, 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 license to the Village Council, authorized association and the District Wildlife Officer.
- (3) A certified copy of a license or permit duly presented under subsection (2) shall serve as notice to the Village Council, authorized association and the District Wildlife Officer.
- (4) Where the Director General, 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 authorized to hunt or capture the animal to proceed to do so without the consent of the occupier: Provided that the person so authorized 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 authorized under subsection (4), hunts or captures any animal on private land without the consent of the owner;
 - (b) being a person so authorized, 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 authorized 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 a minimum term of six months or to both such fine and imprisonment.

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

67. Special licence

(1) Notwithstanding the provisions of this Act, it shall be lawful for the Director General, 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;

(e) Supply of food, in cases of emergency; or

(f) Providing a specimen for any zoological garden or similar institution

(3) A special license 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.

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

(5) 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.

68. Security for compliance with the Act

(1) The Director General may, as a condition to the grant of any license or permit under this Act, direct 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 General 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 General 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 General, such sum of money or such part thereof as the Director General 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 General 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 General may in writing, determine.

69. Restriction on transfer of license

- (1) Save in exceptional circumstances, a person shall not transfer or assign to any other person any license, 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 license, permit or written authority shall apply in writing to the Director General stating the reasons for such transfer or assignment.
- (3) The Minister shall, by regulations in the Gazette, prescribe the circumstances, conditions and fee for any transfer or assignment under subsection (2).
- (4) Any person who contravenes the provisions this 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 or to both such fine and imprisonment.

70. Recording of game and surrender of license

- (1) Any person to whom a license, permit or written authority is issued under this Act shall :-
 - (a) Carry such license, 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 license, permit, or written authority, or where he proposes to depart from the country or the area for which such license, permit or written authority is valid before the date of such departure,

surrender such license, 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 license, 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 for a minimum term of two years or to both such fine and imprisonment.

71. Extension of the licenses

The Director General may, for good cause and only once, extend the period of validity of any license, 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 license, permit or written authority was prevented from exercising the rights conferred by reasonable cause.

72. Animal killed by accident or in error

- (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 authorized officer, wildlife warden, wildlife ranger, ranger, park warden, park ranger or village game scout or any other authorized officer within three working days;
 - (c) hand over to such wildlife officer, wildlife warden, wildlife ranger, ranger, park warden, park ranger, or village game scout or any other authorized officer any trophy removed from such animal, which trophy shall be the property of the Government and shall be disposed of as the Director General may direct; and
 - (d) Where required by such wildlife officer, wildlife warden, wildlife ranger, ranger, park warden, park ranger or village game scout or any other authorized officer 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 license, permit or written authorization, entitling him to hunt an animal of that species.
- (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 three years or to both such fine and imprisonment.

73. The Minister's power to regulate type of weapons

- (1) The Minister 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 authorized 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 minimum term of one year or to both such fine and imprisonment.

74. Unlawful methods of hunting

- (1) Any person shall not, except by and in accordance with the written authority of the Director General previously sought and obtained or in accordance with regulations made under this Act –
 - (a) use for the purpose of hunting any;
 - (i) mechanically propelled vehicle;
 - (ii) poison, bait, poisoned bait, poisoned weapon, stakes, net, gin, trap, set gun, pitfall, missile, explosives, ball ammunition, snare, hide, spear, fence or enclosure;
 - (iii) dog or domesticated animal;
 - (iv) 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) device capable of reducing or designed to reduce the sound made by the discharge of any firearm;
 - (vi) artificial light or flare, night vision devices; or
 - (vii) unaesthetic dart capable of immobilization;
 - (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 meters 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 meters of any permanent water, pool, waterhole or salt-lick;
 - (iii) within one kilometer 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 kilometer 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 kilometers of any aerodrome or a kilometer 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 subparagraph (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 79 of the Act.
- (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 or to both such fine and imprisonment: 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.

75. Refusal, cancellation, variation and suspension of license

- (1) The Director General, a wildlife officer or licensing officer may, for good cause-
- (a) refuse to issue to any person any certificate, license, permit,
 - (b) written permission or other written authority under this Act; or

- (c) cancel, vary or suspend any certificate, license, 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 General.

- (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.

76. Disqualification from grant of license

- (1) Any person-
- (a) who has been convicted of an offence under this Act, the Wildlife conservation Act, the National Parks Act, the Ngorongoro Conservation Area Act or any other written law applicable in any other country, designed for the protection and conservation of wildlife in that country;
 - (b) whose license, 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 license, 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 General by a certificate under his hand.
- (2) Any person who fails to inform the Director General or any wildlife officer or licensing officer at the time of his application or request for any license, 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 license, permit, written permission or other authority under this Act, commits an offence and on conviction shall be liable to imprisonment for minimum term of two years.

77. Licenses may be varied or issued subject to conditions.

- (1) Any license, permit, written permission or written authority granted under this Part may be granted or varied subject to such terms and conditions as the Director General or

officer granting the same may, in the public interest and in writing, and such terms and conditions shall be specified on the license, permit, written permission or written authority granted: Provided that the Minister may, by regulations made under this Act, prescribe for terms and conditions of licence, permit, written permission or written authority.

- (2) Any person who contravenes any terms or conditions of any license, 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 or to imprisonment for a minimum term of three years or to both such fine and imprisonment.

PART XII

HUMAN- WILDLIFE CONFLICT

78. Management of problem animals

- (1) The Director General may deploy authorized officers for the purpose of controlling problem animals that cause or have caused damage to property or injury or loss of human life, in collaboration with TANAPA, NCAA, respective district authorities and other key stakeholders
- (2) Any park warden, park ranger or ranger may in the public interest scare, relocate or kill any problem animal in any place other than in a national park, Ngorongoro Conservation Area, Game Reserve or Wetland Reserve.
- (3) In carrying out the functions provided for under sub section (1), the respective officer shall not kill any problem animal except after exhausting all other means aiming at safely scaring or relocating the animal and upon belief, based on reasonable grounds, that he cannot otherwise prevent the danger or diminish the damage likely to be caused by the said animal in any other way than killing it.
- (4) The term "Problem animal" as used in subsection (1) shall include a flock of pest birds.

79. Wounding of dangerous animals.

- (1) Where a dangerous animal, specified under the Fourth Schedule to the Act, 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 General 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 endeavor 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 five hundred thousand shillings or to imprisonment for a minimum term of two years or to both such fine and imprisonment.

80. Killing an animal in defence of life

- (1) Nothing in this Act shall make it an offence to kill any animal in defence of human life or livestock.
- (2) Sub-section (1) shall not apply to the killing of an animal in defence of life if-
 - (a) the behavior 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 being defended was, when such defense became necessary, committing an act which constitutes an offence under this Act;
- (3) Nothing in this section shall be deemed to authorize the use of pitfalls, stakes in pitfalls, snare or of any other method which is likely to result in undue cruelty to animals or to endanger human life.
- (4) A person killing an animal in defense of life shall immediately-
 - (a) remove from such animal any skin, ivory, horn, tooth or any other trophy;
 - (b) report the incidence and the circumstances of such killing to the nearest officer referred to in section of the Act; hand over to such officer any trophy removed from such animal, which trophy shall be the property of the Government; and
 - (c) where required by such officer, show him the damage caused and the place of such killing.
- (5) The meat of any animal lawfully killed in defence of human life or property under this section may, with the written authority of the Wildlife Officer to whom such killing is reported, be utilised, by the person killing it and or by the owner or occupier of such property for consumption by himself and his dependants or by any other person specified in such written authority of Wildlife Officer.

- (6) 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 thousand shillings or to imprisonment for a minimum term of not less than two years or to both fine and imprisonment.

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

- (1) The consolation for loss of life, crops or injury caused by dangerous animals shall be administered by the Authority through the Tanzania Wildlife Protection Fund.
- (2) The Minister may, in the public interest and after consultation with the Minister responsible for finance, make regulations providing for budgetary arrangements and specification of the amount of money to be paid as consolation to a person or groups of persons who have suffered loss of life, property, crops or injury caused by dangerous animals.
- (3) Without prejudice to the provisions of subsection (1), the Minister shall make regulations prescribing the modality of payment of consolation money to any person or group of persons for death, injury sustained 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.
- (4) A person shall not be entitled to consideration for payment of consolation money under this section if it has been proved that the person lost his life or was injured by dangerous animal in the cause of unlawful activity under this Act, any regulation made under this Act or any other laws.

82. Restriction of human activities in wildlife protected area borderline

- (1) A human activity, settlement or any other development that will adversely affect wildlife shall not be carried out within five hundred meters from the wildlife protected area borderline without the written permission of the Director General.
- (2) Any person who contravenes the provision of subsection (1) commits an offence and upon conviction shall be liable to a fine of not less than five hundred thousand shillings or imprisonment to a term of not less than two years or to both such fine and imprisonment.

83. Accidental wounding or killing in self-defense

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.

84. Killing of animals in public interest

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

PART XIII

REGISTRATION OF CERTAIN TROPHIES

85. For purposes of this Part "trophy" means ivory, rhinoceros horns, hippopotamus tooth, animal tussocks, 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.

86. Trophy to be produced to the licensing officer

- (1) Any person who is in possession of any trophy shall, within thirty days, produce such trophy together with the license, permit or any other written authority under which it has been obtained and any weapon with which the animal from which the trophy was obtained to the licensing officer having jurisdiction over the area in which such animal was hunted for registration of the trophy and the issuance of a certificate of ownership.
- (2) A person who is in possession of any manufactured trophy shall, within thirty days, produce that trophy to a licensing officer for registration and issuance of certificate of manufactured trophy.
- (3) The registration of trophy or manufactured trophy under this section shall be prescribed by the Minister in the regulations.
- (4) Where the officer to whom a trophy or a manufactured trophy is produced is not satisfied that the trophy or the manufactured trophy was obtained lawfully by the person producing a trophy or a manufactured trophy for registration, he may retain the same pending further investigation: Provided that where there is no proceedings instituted in relation to the trophy or the manufactured trophy within two months of the date when it was first produced for registration, the trophy or the manufactured trophy shall be duly registered and a certificate of registration issued to the owner of the trophy or manufactured trophy.

87. Offences relating to failure to register trophies

- (1) A person who is in possession of any trophy or manufactured trophy and does not hold a certificate of registration in respect of the 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 imprisonment for a minimum term of one year or to both such fine and imprisonment.

Provided that in any proceedings for an offence under this subsection the accused shall be

entitled to be acquitted if he satisfies the court that-

- (a) since the commencement of the proceedings he had lawfully obtained a certificate of registration of the trophy or manufactured trophy; or
 - (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 authorized 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 or to both such fine and imprisonment.
- (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 minimum term of one year, or to both such fine and imprisonment.

PART XIV

DEALING IN TROPHIES

88. Trophy dealer's license

- (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 license.
- (2) The Director General may, subject to any regulations made under this Act, grant to any citizen a trophy dealer's license 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 license 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 XII of this Act.

89. No transfer of Trophy

- (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 General 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 was issued.

90. Export of trophy

- (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 General 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.

91. Import of trophy

- (1) A person shall not import any trophy except in accordance with the written authority of the Director General 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.

92. Unlawful dealing in trophies

- (1) A person who sells, buys, transfers, transports, accepts, unlawful exports or imports any trophy in contravention of any of the provisions of dealing in 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 minimum term of two years or to both such fine and imprisonment.

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

PART XV

WILDLIFE RANCHING, FARMING, BREEDING AND SANCTUARIES

93. Wildlife ranching, farming, breeding, zoos, orphanage and game sanctuaries

- (1) Any holder of a right of occupancy authorized by the Director General for the purposes of this section, who wishes to engage in breeding, game sanctuaries, zoos, ranching, orphanage centers or farming game animals on the land he occupies may apply to the Director General in the form to be prescribed in the regulations.
- (2) The Director General 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, authorize an application made under subsection (1)
- (3) Without prejudice to the provisions of this section, no person other than a citizen of the United Republic shall engage in wildlife ranching, farming, breeding, zoos, orphanage and game sanctuaries; in the case of a company, the majority shares shall be owned by the citizens of the United Republic.
- (4) The Director General shall, by notice in the Gazette, cause such authorization under subsection (1) to be published, such notice shall be posted at the entrances of the farms, breeding areas, sanctuaries, zoos, orphanage centers or ranches.
- (5) Any authorization given by the Director General under this section may be withdrawn where the person to whom that authorization is given, is convicted of an offence under this Act, or where such person contravenes any of the terms or conditions of that authorization.

PART XVI

INTERNATIONAL TRADE IN WILDLIFE SPECIES AND SPECIMENS

94. Issuance of export, re-export and import permit

- (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 General 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 General 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 General shall be the CITES management authority however on matters relating to species other than those falling directly under CITES outside Mainland Tanzania, the Director General 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 General 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 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 such fine and imprisonment.
- (8) In this section "re-export" means export of any specimen that was previously imported.

PART XVII

OFFENCES, PENALTIES, FORFEITURES AND OTHER LEGAL PROCEEDINGS

95. Burden of proof

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 license issued, permit or authority given under this Act shall lie on the person charged.

96. Disposal of trophies during proceedings

- (1) At any stage of the proceedings under this Act, the court may, 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 General.
- (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 General shall not dispose of that article until the expiration of three months from the date of 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.

97. Where trophies belong to another person

- (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 was due to the act or default of that other person, that other person may be convicted of the offence, and where the original accused person proves that he had used all due diligence to ensure that the relevant provisions were complied with, he shall be acquitted of the offence.
- (2) Without prejudice to subsection (1), in any such proceedings under this Act, an accused person shall not allege that the trophy belong, or that the contravention of the relevant provisions was due to some other person unless, before the end of two days from the commencement of the first hearing of the case he gives to the prosecution notice of his intention to do so.
- (3) Every notice given under subsection (2) shall be deemed to be void and of no effect unless it contains -

- (a) the name and address of that other person or, where the name or address is not known to the accused person at the time he gives the notice, any information in his possession which might be of material assistance in finding that other person;
 - (b) where the name and address is not included in that notice, the court is satisfied that the accused person, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;
 - (c) where the name or address is not included in that notice, but the accused person subsequently discovers the name or address or receives other information which might be of material assistance in finding the other person, he immediately gives notice of the name, address or other information, as the case may be; and
 - (d) Where the accused person is notified by or on behalf of the prosecution that other person has not been traced by the name or at the address given, he immediately gives notice of any such information which is then in his possession, or, on subsequently receiving any such information immediately gives notice of it.
- (4) For the purposes of this section, the fact that an accused person has not been admitted to bail shall not be a defence for his failure to provide to the prosecution the correct name or address of that other person or any information which may be of material assistance in finding that other person.
- (5) Where an accused person seeks to avail himself of subsection (1)-
- (a) where the person he complains against or to whom he alleges the trophy or trophies belong is not present at the time appointed for the hearing the court shall proceed with the hearing of the case against the accused person in the absence of that other person;
 - (b) The prosecution, as well as the person to whom the accused person alleges the trophy belongs or whom he charges with the offence, may cross examine him, if he gives evidence, and any witness called by him in support of the plea, may rebut his evidence.
- (6) Any evidence tendered by the prosecution to rebut the allegations of the accused made pursuant to subsection (1) may, subject to any direction by the court as to the time it is to be given, be given before or after evidence is given in support of the allegation.

98. Possession of weapons in certain circumstances to be an offence

Any person who is found in possession of any weapon or any other object in circumstances which raise a reasonable presumption that he has used or intends or is about to use the same for the purpose of the commission of an offence under this Act, shall, unless he shows lawful cause for such possession, commits an offence, and on conviction shall be liable to a fine of not less than two million shillings or to imprisonment for a minimum term of three years or to both such a fine and imprisonment.

99. Duty to take care of licenses, permits and trophies

- (1) A person having in his possession, control, custody or care of-
- (a) any license, permit, certificate, license book, permit book,
 - (b) certificate book or other official document granted or issued under, or used for the purposes of this Act;
 - (c) official mark, stamp or ink used for or in connection with the administration of this Act; 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 authorized 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 one million shillings or to imprisonment for a term of not less than two years or to both such fine and imprisonment.
- (2) In any proceedings against any person for an offence under subsection (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 unauthorized 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 unauthorized person.

100. Offences relating to licenses

- (1) Any person who;
- (a) fraudulently forges, alters or defaces any license, permit, permit book, written permission or authority granted or purporting to have been granted under this Act;
 - (b) fraudulently presents any such forged license, permit, permit book, permission or authority; or
 - (c) obtains any license, permit, permission or authority by fraud, misrepresentation of a material fact or by false pretense, 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 five years.
- (2) Any license, permit, permission or written authority, which has been forged or obtained by fraud, misrepresentation of a material fact or by false pretense shall be *void ab initio*.

101. Offences relating to bodies corporate

- (1) When an offence against this Act, is committed by a body corporate, the body corporate and every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence.
- (2) Where an offence against this Act is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge or who should have had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.
- (3) A person shall be personally liable for an offence against this Act, whether committed by him on his own account or as an agent or servant of another person.
- (4) An employer or principal shall be liable for an offence committed by an employee or agent against this Act, unless the employer or principal proves that the offence was committed against his express or standing directions.

102. Powers of Search and Arrest

- (1) An authorized officer shall have and exercise the powers-
 - (a) of a police officer of or above the rank of Assistant Superintendent of Police and the provisions of the Police Force and Auxiliary Services Act conferring upon police officers, powers necessary or expedient for the prevention, combating and investigation of offence; and
 - (b) to arrest, enter premises, search, detain suspects and seize property where there is a reasonable cause to believe that an offence involving wildlife has been or is about to be committed by the suspect in the premises or in relation to the property.
- (2) Where any property is seized in pursuance of the powers conferred in paragraph (b) of subsection (1), the Director General or a person authorized by him seizing the property shall issue a receipt acknowledging seizure of that property, bearing the signature of the owner or occupier of the premises of his near relative or other person for the time being in possession or control of the premises and the signatures of witnesses to the search.
- (3) Without prejudice to any other law, where any authorized officer has reasonable grounds to believe that any person has committed or is about to commit an offence under this Act he may ;
 - (a) require any such person to produce for his inspection any animal, game meat, trophy or weapon in his possession or any license, permit other document issued to him or required to be kept by him under the provisions of this Act or the Arms and Ammunition Act;
 - (b) enter and search without warrant any land, building, tent, vehicle, aircraft or vessel in the occupation or use of such person, open and search any baggage or other thing in his possession.

4. In fulfilling the requirements of Sub section 1 (a) and (b), the respective officer may seize any animal, livestock, game meat, trophy, weapon, license, permit or other written authority, vehicle, vessel or aircraft in the possession or control of any person and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest and detain him.
5. No dwelling house shall be entered into without a warrant except in the presence of at least one independent witness from the respective locality.
6. It shall be lawful for any authorized officer at all reasonable times to enter the licensed premises of any trophy dealer and to inspect the records which are required to be kept under the provisions of this Act.
7. Any person detained or things seized under the powers conferred upon the authorized officer by this Act may be placed in custody and shall be taken as soon as possible before a court of competent jurisdiction to be dealt with according to law.
8. It shall be lawful for any authorized officer to stop and detain any person who he sees doing, or suspects of having done, any act for which a license, permit, permission or authority is required under the provisions of this Act for the purpose of requiring such person to produce the same or to allow any vehicle, vessel or aircraft of which he is the owner or over which he has control to be searched.
9. It shall be lawful for any authorized officer to order any person stopped or arrested by him to submit in writing his name and address and the details of any license, permit or other authority issued to him or any other article, thing or document in his possession.
10. Any person who fails to produce his license, permit, permission or authority when required to do so, or fails to stop when ordered or signaled to do so, or fails to allow any vehicle, vessel or aircraft of which he is the owner or over which he has control to be searched, commits an offence and may be arrested without a warrant unless he furnishes in writing his name and address and otherwise satisfies the authorized officer that he will duly answer any summons or other proceedings which may be taken against him.
11. Where an owner or a person in control of a seized property fails to appear or absconds and abandons his property for a period of thirty days, the Director General or an authorized officer shall confiscate the seized property for the Government.
12. In any proceedings for failure to stop a vehicle, vessel or an aircraft when required or signaled to do so by an authorized officer, the owner of the vehicle, vessel or aircraft shall, unless the contrary is proved by him, be presumed to have been the person in charge of or having control over the vehicle, vessel or aircraft at the time when the offence was alleged to have been committed.
13. A person who commits an offence under this section shall be liable, on conviction, to a fine of not less than two million shillings or to imprisonment for a term of not less than three years or to both such fine and imprisonment.

103. Powers of Investigation

- (1) An authorized officer investigating an offence under this Act may require any person to furnish a statement on oath or affirmation setting out such information which may be of assistance in investigation of the offence.

- (2) Subject to the provision of sub section (2) an authorized officer who has been given power to investigate an offence under this Act, shall have the same power as those of the police officer under the rank of the Assistant Superintendent of Police

104. Powers to write statement and records of interview

- (1) An authorized officer who interviews a person for the purpose of ascertaining whether the person has committed an offence shall, unless it is in all circumstances impracticable to do so, cause the interview to be recorded.
- (2) Where a person who is being interviewed by an authorized officer for the purpose of ascertaining whether he has committed an offence makes, during the interview, either orally or in writing, a confession relating to an offence, the authorized officer shall make, or cause to be made, while the interview is being held or as soon as practicable after the interview is completed, a record in writing, setting out—
- (a) so far as it is practicable to do so, the questions asked of the person during the interview and the answers given by the person to those questions;
 - (b) particulars of any statements made by the person orally during the interview otherwise than in answer to a question;
 - (c) whether the person wrote out any statement during the interview and, if so, the times when he commenced to write out the statement;
 - (d) whether a caution was given to the person before he made the confession and, if so, the terms in which the caution was given, the time when it was given and any response made by the person to the caution;
 - (e) the times when the interview was commenced and completed;
 - (f) if the interview was interrupted, the time when it was interrupted and recommenced.
- (3) An authorized officer who makes a record of an interview with a person in accordance with subsection (2) shall write, or cause to be written, at the end of the record a form of certificate in accordance with a prescribed form and shall then, unless the person is unable to read—
- (a) show the record to the person and ask him—
 - (i) to read the record and make any alteration or correction to it he wishes to make and add to it any further statement that he wishes to make;
 - (ii) to sign the certificate set out at the end of the record; and
 - (iii) if the record extends over more than one page, to initial each page that is not signed by him; and

- (b) if the person refuses, fails or appears to fail to comply with that request, certify on the record under his hand what he has done and in respect of what matters the person refused, failed or appeared to fail to comply with the request.
- (4) Where the person who is interviewed by an authorized officer is unable to read the record or the interview or refuses to read, or appears to the authorized officer not to read the record when it is shown to him in accordance with subsection (3), the authorized officer shall—
 - (a) read the record to him, or cause the record to be read to him;
 - (b) ask him whether he would like to correct or add anything to the record;
 - (c) permit him to correct, alter or add to the record or make any corrections, alterations or additions to the record that he requests the authorized officer to make;
 - (d) ask him to sign the certificate at the end of the record; and
 - (e) certify under his hand, at the end of the record what he had done in pursuance of this subsection.

105. Interference with or obstruction of authorized officer

Any person who –

- (a) without lawful authority or excuse, proof of which lies upon him, wears any uniform or any part of any uniform or any badge or other mark issued by the Director General to be worn by wildlife officers;
- (b) willfully obstructs an authorized officer in the exercise of the powers conferred upon him by this Act; or
- (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 two years.

106. Assault on authorized officers

Notwithstanding the provisions of sections 114A, 117 and 243 of the Penal Code, a person who assaults an authorized officer in the exercise of his powers conferred by this Act, commits an offence and shall on conviction be sentenced to imprisonment for a minimum term of three years.

107. Protection of officers

An act, or thing done by an authorized 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 authorized officer to an action, liability, claim or demand without the consent of the Director of Public Prosecutions.

108. Erection of barriers

- (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 authorized 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 authorized 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, vessel, or aircraft shall allow the authorized 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.
- (4) A person who fails to comply with the provisions of this section, or who fails to comply with a lawful order given by an authorized officer 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 minimum term of two years or to both such fine and imprisonment.

109. Forfeiture

- (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 other 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;
- (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 that-

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

110. Costs of disposal to be borne by the convict

- (1) In making the forfeiture order under section 101 (1) of the Act, the Court may also order that the cost of disposing of the substance, motor vehicle, equipment, appliance, livestock or any other thing provided for in that subsection be borne by the person convicted there under.
- (2) The Court may further order that any license, permit or any authorization given under this Act, and to which the offence relates, be cancelled.

111. Provisions governing minimum sentences

The provisions of the Minimum Sentence Act shall apply 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 by this Act.

112. Jurisdiction of Court

- (1) Where a person is tried for an offence under this Act by any court presided over by a Resident Magistrate, the court, notwithstanding the provisions of any other written law, shall have jurisdiction to impose the maximum fine and imprisonment prescribed by this Act 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.

113. Assessment of trophy and livestock value

- (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 General or an officer 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 trophy involved in the proceedings.

114. Powers to prosecute

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, Act No. 2 of 2007.

115. Director General's power to compound certain offences

- (1) The Director General 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) Animals are not listed in appendix 1 of the CITES as amended from time to time;
 - (c) Penalty is not a compulsory imprisonment.
 - (d) the power conferred by this section shall only be exercised where the person admits in writing that he has committed an offence and that he agrees to the offence being compounded under this section; and;
 - (e) the Director General shall give a receipt to the person from whom he receives the amount of money.
 - (f) all sum of the money received shall be paid to the account of the Authority.
- (2) Where the Director General compounds an offence under this section, he may order the forfeiture of –
 - (a) the 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.
- (3) Where an offence is compounded in accordance with the provisions of subsection (1) 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 (1).
- (4) Where a person is aggrieved by an order made under subsection (1) or (2), 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.
- (5) The Director General 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

116. Rewards

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

Provided that the sum of money awarded as a reward to any person or the aggregate of such sums awarded to more than one person in anyone 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.

- (2) Subject to the provisions of subsection (1), the Minister may, by regulations published in the Gazette, regulate the amount and the payment of rewards.

117. Protection of persons providing information

- (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 provided that the information given is proved to be *bonafide*.
- (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.

118. Registration of past offenders

- (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 General shall cause the name of every person who has been convicted of any of the offences under this Act, to be registered together with the particulars required for registration in respect of each of those persons.

119. Continuous registration of offenders

- (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 General in writing;
 - (b) hunting a specified animal or scheduled animal without a license or a permit granted under this Act;
 - (c) being in unlawful possession of, or unlawfully having under his control, custody or care of animal or trophy, and the person is sentenced to imprisonment for a term of two or more years,
- (2) The Director General 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 of Tanzania;
 - (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.

- (3) 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 General 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.
- (4) The Director General 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.
- (5) 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 of Tanzania, to be declared a prohibited immigrant and to be deported immediately.

120. Regulations and other subsidiary legislation

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 licenses, permits, certificates and other documents which may be granted or issued under this Act;
- (d) CITES Matters;
- (e) fees for licenses, 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 SAVING AND TRANSITIONAL PROVISIONS

121. Repeal savings and transitional provisions

- (1) 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.

(2) 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.

SCHEDULES

FIRST SCHEDULE

(Section 33, 40, 42, 56 and 62)

Sn.	Kiswahili Name	English Name	Scientific Name
PART I			
A. ANIMALS			
1.	Babakoto sanje	Sanje Mangabey	<i>Cercocebus sanjei</i>
2.	Choroa	Oryx	<i>Oryx beisa callotis</i> (Thomas)
3.	Chui	Leopard	<i>Panthera pardus</i> (Linnaeus)
4.	Duma	Cheetah	<i>Acinonyx jubatus</i> (Schereber)
5.	Faru	Black Rhinoceros	<i>Diceros bicomis</i> (Linnaeus)
6.	Kipunji	Highland Mangabey	<i>Lophocebus kipunji</i>
7.	Mbuzi-mawe (Nguru)	Klipspringer	<i>Oreotragus oreotragus</i> (Zimmermann)
8.	Mbwa-mwitu	Wild Dog	<i>Lycaon pictus</i> (Temminck)
9.	Mindi	Abbotts Duiker	<i>Cephalophus spadix</i>
10.	Nyati (Mbogo)	Buffalo	<i>Syncerus caffer caffer</i> (Sparrman)
11.	Nzohe(Nzobe??)	Sitatunga	<i>Limnotragus spekeii</i> (P.L. Sclater)
12.	Palahala rosaveti	Rosevelt Sable	<i>Hippotragus niger roseveltii</i>
13.	Pimbi	Hyrax	<i>Heterohyraxl procavia</i>
14.	Pundamilia	Zebra	<i>Equus burchellii</i> (Matschie)
15.	Sengi	Giant Elephant Shrew	<i>Rhynchocyon udzungwensis</i>
16.	Sheshe	Puku	<i>Kobus vardoni</i> (Livingstone)
17.	Simba	Lion	<i>Panthera leo</i> (Linnaeus)
18.	Simbamangu	Caracal	<i>Felis caracal</i> (Schreber)
19.	Swala robati	Roberts Gazelle	<i>Gazella granti robertsi</i>
20.	Swala twiga	Gerenuk	<i>Litocranius walleri</i> (Brooke)
21.	Tandala Mdogo	Lesser Kudu	<i>Strepsiceros imberbis</i> (Bylyth)
22.	Tembo (Ndovu)	African Elephant	<i>Loxodonta africana</i> (Blumembach)
23.	Tohe milima	Mountain-Reedbuck	<i>Redunca fulvorufula</i> (Afzelius)
B. BIRDS			
24.	Korongo nyangumi	Shoebill (Whale headed stock)	<i>Balaeniceps rex</i>
25.	Korongo usomwekundu	Wattled Crane	<i>Bugeranus carunculatus</i>
26.	Kozi kipanga	Peregrin Falcon	<i>Falco peregrines</i>

27.	Kwale udzungwa	Udzungwa Forest Partridge	<i>Xenoperdix udzungwensis</i>
28.	Ninga	Green Pigeon	<i>Treron</i>

C. REPTILES

29.	Mamba	Slender Snorted Crocodile	<i>Crocodilus cataphractus</i>
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D. AMPHIBIAN

30.	Chura wa Kihansi	Kihansi Spray Toad	<i>Nectophrynoides asperginis</i>
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E. NATIONAL GAME

	Wanyama wote wa Taifa	All National Game	
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PART II

1.	Fisi maji	African Clawless Otter	<i>Aonyx capensis</i>
2.	Fisimaji	Spotted necked Otter	<i>Lutra maculicollis</i>
3.	Kiboko	Hippopotamus	<i>Hippopotamus amphibious</i> (Linnaeus)
4.	Korongo	Roan Antelope	<i>Hippotragus aequinus</i> (Desmarest)
5.	Kuro-ndogoro	Waterbuck-Common.	<i>Kobus ellipsiprymnus</i> (Ogilby)
6.	Kuro-singisi	Waterbuck-Defassa	<i>Kobus defassa</i> (Reppell)
7.	Mamba	Nile Crocodile	<i>Crocodylus niloticus</i>
8.	Mbuni	Ostrich	<i>Struthio camelus</i> (Linnaeus)
9.	Nyamera	Topi	<i>Damaliscus korrigum</i> (Ogilby)
10.	Palahala (Mbarapi)	Sable Antelope	<i>Hippotragus niger</i> (Harris)
11.	Pofu (Mbunju)	Eland	<i>Taurotragus oryx</i> (Pallas)
12.	Tandala Kubwa	Greater Kudu	<i>Strepsiceros strepsiceros</i> (Pallas)

PART III (Others)

	Wanyama wote	All other animals	
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SECOND SCHEDULE

(Section 3 and 64.)

A. BIG GAME

Sn.	Kiswahili Name	English Name	Scientific Name
1.	Digidigi (Sunguya)	Dikdik	<i>Rynchhotragus kirkii</i>
2.	Dondoro	Steinbok	<i>Raphiceros campetris</i>
3.	Kongoni	Hartebeest	<i>Alcelaphus buselaphus</i>
4.	Ndimba	Blue Duiker	<i>Cephalophus monticola</i>
5.	Ngiri (Mbango)	Warthog	<i>Phacochoerus aethiopicus</i>
6.	Nguruwe mwitu	Common Bush pig	<i>Potamochoerus larvatus</i>
7.	Nguruwe mwitu	Kilimanjaro white faced Bush	<i>Potamochoerus porcus</i>

	kaskazi	pig	
8.	Nsya (Ngorombwe)	Common Duiker	<i>Sylvicapra grimmia</i>
9.	Nungunungu	Porcupine	<i>Hystrix cristata</i>
10.	Nyamera	Topi	<i>Damaliscus korrigum</i>
11.	Nyati (Mbogo)	Buffalo	<i>Syncerus caffer</i>
12.	Nyumbu.	Wildebeest	<i>Connochaetes taurinus</i>
13.	Paa	Suni	<i>Neotragus moschatus</i>
14.	Pofu (Mbunju)	Eland	<i>Taurotragus oryx</i>
15.	Pongo (Mbawala)	Bushbuck	<i>Tragelaphus scriptus</i>
16.	Sungura	Hare	<i>Lepus capensis</i>
17.	Swala Granti	Grants' Gazelle	<i>Gazella grantii</i>
18.	SwalaTomi	Thomsons' Gazelle	<i>Gazella thomsonii</i>
19.	Swala pala	Impala	<i>Aepyceros melampus</i>
20.	Taya (Kihea)	Oribi	<i>Ourebia ourebi</i>
21.	Tohe Ndope	Bohor reedbuck	<i>Redunca redunca</i>
22.	Tohe-Kusi	Southern reedbuck	<i>Redunca arundinum</i>

B. GAME BIRDS

Sn.	Kiswahili Name	English Name	Scientific Name
1.	Bata bukini Mdogo	Pigmy Goose	<i>Nettapus</i>
2.	Batabukini	Egyptian Goose	<i>Alopochen</i>
3.	Bata bukini-bawa kijani	Spur wing Goose	<i>Plectropterus</i>
4.	Bata domo-kifundo	Knob-billed Goose	<i>Sarkidiornis</i>
5.	Bata kichwa chekundu	Northern Pochard	<i>Aythya</i>
6.	Bata kichwa cheupe	White Faced Whistling Ducks	<i>Dendrocygna</i>
7.	BataMdogo	Teals	<i>Anas</i>
8.	Bata-makoa	Maccoa Duck	<i>Oxyura</i>
9.	Firigogo koo-njano	Yellow-Throated Sand grouse	<i>Pterocles</i>
10.	Firigogo tumbo jekundu	Chestnut-Bellied Sand grouse	<i>Pterocles</i>
11.	Kanga	Helmeted Guinea Fowl	<i>Numida</i>
12.	Kereng'ende	Spur Fowl	<i>Francollinus</i>
13.	Kituitui tambo	Harlequin Quail	<i>Cortunix</i>
14.	Kituitui	Common Quail	<i>Cortunix</i>
15.	Kololo	Crested Guinea Fowl	<i>Guttera</i>
16.	Kololo tumbusi	Vulturine Guinea Fowl	<i>Acryllium</i>
17.	Kotwe	White-Backed Duck	<i>Thalasornis</i>
18.	Kwale	Francolins	<i>Francollinus</i>
19.	Njiwa	Pigeons	<i>Columba</i>
20.	Pugi	Doves	<i>Oena</i>
21.	Pugi	Doves	<i>Turtur</i>
22.	Tetere	Doves	<i>Streptopelia</i>

THIRD SCHEDULE

(Section 3 and 72.)

A. BIG GAME

Sn.	Kiswahili Name	English Name	Scientific Name
1.	Bweha dhahabu	Golden Jackal	<i>Canis aureus</i>
2.	Bweha masikio	Bat-Eared Fox	<i>Otocyon megalotis</i>
3.	Bweha miraba	Striped Jackal	<i>Canis adustus</i>
4.	Bweha shaba	Silver-Backed Jackal	<i>Canis mesomelas</i>
5.	Chatu	Python	<i>Python sebae</i>
6.	Choroa	Oryx	<i>Oryx beisa</i>
7.	Dikidiki (Sunguya)	Dikdik	<i>Rynchotragus kirkii</i>
8.	Chui	Leopard	<i>Panthera pardus</i>
9.	Dondoro	Steinbok	<i>Raphiceros campestris</i>
10.	Dondoro-shapi	Sharpe's Grysbok	<i>Nototragus sharpie</i>
11.	Fisi (Kingugwa)	Spotted Hyena	<i>Crocuta crocuta</i>
12.	Fisi maji	Otter	<i>Aonyx lutra</i>
13.	Fungo	Civet Cat	<i>Civettictis civetta</i>
14.	Funo (Mbutuka)	Red Duiker	<i>Cephalophus natalensis</i>
15.	Kalunguyeye	Hedgehog	<i>Erinaceus pruneri</i>
16.	Kamendegere	Jumping hare	<i>Pedetes capensis</i>
17.	Kanu	Genet cat	<i>Genetta genetta</i>
18.	Kiboko	Hippopotamus	<i>Hippopotamus africanus</i>
19.	Kicheche	Zorilla	<i>Ictonyx striatus</i>
20.	Kima	Monkeys	<i>Cercopithecus spp</i>
21.	Kimburu	Wildcat	<i>Felis lybica</i>
22.	Komba	Bush baby	<i>Galago senegalensis</i>
23.	Kongoni	Cokes Hartebeest	<i>Alcelaphus buselaphus cokii</i>
24.	Konzi	Lichtenstein's Hartebeest	<i>Alcelaphus buselaphus lichtensteinii</i>
25.	Korongo	Roan Antelope	<i>Hipotragus aequinus</i>
26.	Kuro ndogoro	Common Waterbuck	<i>Kobus ellipsiprymus</i>
27.	Kuro singsing	Defassa Waterbuck	<i>Kobus defassa</i>
28.	Mamba	Nile Crocodile	<i>Crocodylus niloticus</i>
29.	Mbega rnwekundu	Red Colobus Monkey	<i>Colobus badius</i>
30.	Mbega mweupe	Black and White Colobus Monkey	<i>Colobus abyssinicus</i>
31.	Mbuni	Ostrich	<i>Struthio camelus</i>
32.	Mbuzimawe	Klipspringer	<i>Oreotragus oreotragus</i>
33.	Mondo	Serval Cat	<i>Felis serval</i>
34.	Ndimba	Blue Duiker	<i>Cephalophus monticola</i>
35.	Ngiri	Warthog	<i>Phacochoerus aethiopicus</i>
36.	Nguchiro	Mongoose	<i>Viverridae</i>
37.	Nguruwe	Bush pig	<i>Potamochoerus porcus</i>
38.	Nsya	Common Duiker	<i>Sylvicapra grimmia</i>

39.	Nungunungu	Porcupine	<i>Hystrix cristata</i>
40.	Nyamera	Topi	<i>Damaliscus korrigum</i>
41.	Nyani mwekundu	Olive Baboon	<i>Papio Anubis</i>
42.	Nyani njano	Yellow Baboon	<i>Papio cynocephalus</i>
43.	Nyati (Mbogo)	Buffalo	<i>Syncerus caffer</i>
44.	Nyegere	Honey Badger	<i>Mellivora capensis</i>
45.	Nyumbu kidevu cheupe	White bearded Wildebeest	<i>Connochaetes taurinus albojubatus</i>
46.	Nyumbu kusi	Nyasa Wildebeest	<i>Connochaetes taurinus taurinus</i>
47.	Nzohe	Sitatunga	<i>Tragelaphus spekei</i>
48.	Paa	Suni	<i>Neotragus moschatus</i>
49.	Palahala (Mbalapi)	Sable Antelope	<i>Hippotragus niger</i>
50.	Perere	Tree Hyrax	<i>Dendrohyrax boreus/validus</i>
51.	Pimbi	Rock Hyrax	<i>Heterohyrax syriacas (Brauer)</i>
52.	Pofu (Mbunju)	Eland	<i>Taurotragus oryx</i>
53.	Pongo (Mbawala)	Bushbuck	<i>Tragelaphus scriptus</i>
54.	Pundamilia	Zebra	<i>Equus burchelli</i>
55.	Sheshe	Puku	<i>Adenota vardoni</i>
56.	Simba	Lion	<i>Panthera leo</i>
57.	Simbamangu	Caracal	<i>Felis caracal</i>
58.	Sungura	African Hare	<i>Lepus capensis</i>
59.	Swala granti	Grants' Gazelle	<i>Gazella grantii</i>
60.	Swala tomi	Thomson's Gazelle	<i>Gazella thomsonii</i>
61.	Swala twiga	Gerenuk	<i>Litocraneus walleri</i>
62.	Swala pala	Impala	<i>Aepyceros melampus</i>
63.	Tandala Kubwa	Greater Kudu	<i>Strepsiceros strepsiceros</i>
64.	Tandala Mdogo	Lesser Kudu	<i>Strepsiceros imberbis</i>
65.	Taya (Kihea)	Oribi	<i>Ourebia ourebi</i>
66.	Tembo (Ndovu)	African Elephant	<i>Loxodonta Africana</i>
67.	Tohe-kusi	Southern Reedbuck	<i>Redunca arundinum</i>
68.	Tohe-milima	Mountain Reedbuck	<i>Redunca fulvorufula</i>
69.	Tohe-ndope	Bohor Reedbuck	<i>Redunca redunca</i>
70.	Tumbili	Vervet Monkey	<i>Cercopithecus aethiops</i>

B. GAME BIRDS

Sn.	Kiswahili Name	English Name	Scientific Name
1.	Bata bukini Mdogo	Pigmy Goose	<i>Nettapus</i>
2.	Bata bukini .. .	Egyptian Goose	<i>Alopochen</i>
3.	B ata bukini-bawa kijani	Spur wing Goose	<i>Plectropterus</i>
4.	Bata domo-kifundo...	Knob-billed Goose	<i>Sarkidiornis</i>
5.	Bata kichwa chekundu	Northern Pochard	<i>Aythya</i>
6.	Bata kichwa cheupe	White Faced Whistling Ducks	<i>Dendrocygna</i>
7.	Bata mdogo	Teals	<i>Anas</i>
8.	Bata-makoa	Maccoa Duck	<i>Oxyura</i>

9.	Firigogo koo-njano	Yellow-Throated Sand grouse	<i>Pterocles</i>
10.	Firigogo tumbo jekundu	Chestnut-bellied Sand grouse	<i>Pterocles</i>
11.	Kanga	Helmeted Guinea Fowl	<i>Numida</i>
12.	Keren'gende	Spur Fowl	<i>Francollinus</i>
13.	Kituitui tambo	Harlequin Quail	<i>Cortunix</i>
14.	Kituitui l	Common Quai	<i>Cortunix</i>
15.	Kololo	Crested Guinea Fowl	<i>Guttera</i>
16.	Kololo tumbusi	Vulturine Guinea Fowl	<i>Acryllium</i>
17.	Kotwe	White-Backed Duck	<i>Thalasornis</i>
18.	Kwale	Francolins	<i>Francollinus</i>
19.	Ninga	Green Pigeon	<i>Treron</i>
20.	Njiwa	Pigeons	<i>Columba</i>
21.	Pugi .	Doves	<i>Oena</i>
22.	Pugi.	Doves	<i>Turtur</i>
23.	Tetere	Doves	<i>Streptopelia</i>

FOURTH SCHEDULE

(Section 78 and 79)

DANGEROUS ANIMALS

Sn.	Kiswahili Name	English Name	Scientific Name
1.	Chui	Leopard	<i>Panthera pardus</i> (Linnaeus)
2.	Faru	Black Rhinoceros	<i>Diceros bicornis</i> (Linnaeus)
3.	Fisi	Spotted Hyena	<i>Crocuta crocuta</i>
4.	Kiboko	Hippopotamus	<i>Hippopotamus amphibious</i> (Linnaeus)
5.	Mamba	Nile Crocodile	<i>Crocodylus niloticus</i>
6.	Nyati (Mbogo)	Buffalo	<i>Syncerus caffer</i> (Sparman)
7.	Simba	Lion	<i>Panthera leo</i> (Linnaeus) (B)
8.	Tembo (Ndovu)	African Elephant	<i>Loxodonta africana</i> (Blumembach)

FIFTH SCHEDULE

(Section 3, 7 and 10)

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. Tenure of office and conduct of business of the Board

- (1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (2) Other than ex-officio members, a member of the Board shall, subject to the Provisions of this section hold office for a period of three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.
- (3) A member other than the chairman or ex-officio member may –
 - (a) resign at any time from office by notice in writing to the appointing authority
 - (b) be removed from office by the appointing authority if the member –
 - (i) has been absent for three consecutive meetings of the Board without the permission of the chairman; or
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or
 - (iii) is convicted of an offence involving fraud or dishonesty; or
 - (iv) is convicted of (any criminal offence moral turpitude) and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
 - (v) is incapacitated by prolonged physical or mental illness; or
 - (vi) is found to have acted in a manner prejudicial to the aims and objectives of this Act; or
 - (vii) fails to comply with the provisions of this Act relating to disclosure; or
 - (viii) Is otherwise unable or unfit to discharge his functions as a member of the Board.

2. Meetings of the Board

- (1) The Board shall meet not less than four times in every financial year, and not more than three months shall elapse between the date of one meeting and the date of the next meeting: Provided that the chairperson may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

- (2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the Secretary.
- (3) The quorum for the conduct of business of the Board shall be half of the members and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.
- (4) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.
- (5) The chairperson shall preside over all meetings of the Board in which he is present, and in his absence the meeting shall be presided by Vice- Chairman, in his absence the members present shall elect one of their member who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

3. Disclosure of Interests

- (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.
- (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.