THE ENVIRONMENTAL MANAGEMENT ACT, 2004

ARRANGEMENT OF SECTIONS

Section *Title*

PART I
PRELIMINARY PROVISIONS

1. Short title.
2. Commencement and application.
3. Interpretation.

PART II
GENERAL PRINCIPLES

4. Right to clean, safe and healthy environment.
5. Right to bring an action on environment.
6. Duty to protect the environment.
7. Principles of environmental management.
8. Obligation to give effect to environmental principles.
9. Promotion of the National Environmental Policy.
10. Environment Day.

PART III
ADMINISTRATION AND INSTITUTIONAL ARRANGEMENT

(a) National Environmental Advisory Committee

11. Establishment and composition of members of the Committee.
12. Functions of the National Environmental Advisory Committee.

(b) Minister Responsible for Environment

13. Powers of the Minister.

(c) Director of Environment

14. Director of Environment.
15. Functions of the Director of Environment.

(d) National Environment Management Council

16. The Council.
17. Object for establishment of the Council.

18. Functions of the Council.
19. Board of the Council.
20. Conduct of business and affairs of the Council.
21. Appointment of the Director General.
22. Staff and employees of the Council.
23. General powers of the Council.
24. Powers of the Council in respect of other agencies .
25. Powers of the Council to ensure compliance.
26. Performance of the functions of the Council by other bodies.
27. Common seal of the Council.
28. Indemnity of the Board, member, etc., from personal liability.
29. Conflict of interest.

(e) Sector Ministries

30. Establishment of sector environment section.
31. Functions of sector environment section.
32. Submission of sector Ministries report.
33. Appointment or designation of a sector environment coordinator.

(f) Regional Secretariat

34. Regional coordination on environmental management.
35. Appointment or designation of a regional environment management expert.

(g) Local Government Authorities

36. Functions of local government environment management officer.
37. Standing Committees of local government authorities.
38. Standing Committees in townships, wards, villages and Vitongoji.
39. Designation of the Township, Ward, Village, Mtaa and Kitongoji Environment Management Officer.
40. Functions of the Township, Ward, Village, Mtaa and Kitongoji Environment Management Officer.
41. General powers of the City, Municipal, District, Township, Ward, Village, Mtaa and Kitongoji Environment Management Committees.

PART IV
ENVIRONMENTAL PLANNING

42. Local government authorities environmental action plans.
43. Environmental plans at sector level.
44. Environmental planning at national level.
45. Regulations on preparation, adoption and implementation of action plans.
46. Public participation in preparation of National Environmental Action Plan.

PART V
ENVIRONMENTAL MANAGEMENT

(a) Environmental Protected Areas

47. Declaration of Environmental Protected Areas.
48. Environmental protection plan and ecosystem management plan for Environmental Protected Areas.

(b) Environmental Management Plans for National Protected Areas

49. Environmental Management Plans for National Protected Areas.

(c) Conservation and Protection

50. Land utilization management.
51. Environmentally sensitive areas.
52. Identification of environmentally sensitive areas.
53. Environmental conditions to village lands.
54. Declaration of protected river, riverbank, lake or lakeshore and shoreline.
55. Protection and management of rivers, riverbanks, lake or lakeshore and shoreline.
56. Declaration of protected wetlands.
57. Prohibition of human activities in certain areas.
58. Protection of mountains, hills and landscapes.
59. Promotion of coastal zone environmental management.
60. Environmental obligations under water laws.
61. Minister may advise on the discharge of sewerage.

62. Consultation on discharge.
63. Management of forest resources.
64. Promotion of conservation of energy.
65. Promotion of conservation of fisheries and wildlife resources, etc.
66. Conservation of biological diversity.
67. Conservation of biological diversity *in-situ*.
68. Conservation of biological diversity *ex-situ*.
69. Regulation for the development, handling, and use of Genetically Modified Organisms and their products.
70. Management of rangelands.
71. Environmental land use planning directives.
72. Obligation to use land sustainably.
73. Protection of natural and cultural heritage.
74. Protection of the atmosphere.
75. Measures on climate change.
76. Management of working environment and dangerous materials and processes.
77. Powers of the Minister to make regulations on persistent organic pollutants.
78. Prior informed consent procedures for certain hazardous chemicals and pesticides.
79. Promotion of cleaner production and sustainable consumption of goods and services.

(d) Economic Instruments

80. Economic incentives and instruments for the protection of the environment.

PART VI
ENVIRONMENTAL IMPACT ASSESSMENT AND OTHER ASSESSMENTS

81. Obligation to undertake Environmental Impact Assessment.
82. Environmental Impact Assessment regulations and guidelines.
83. Environmental Impact Assessment to be conducted by experts.
84. Issuance of certificate not a defence in legal proceedings.
85. Determination of the scope of Environmental Impact Statement.
86. Environmental Impact Statement.
87. Review of Environmental Impact Statement.

88. Inspection visit for purpose of Environmental Impact Statement review.
89. Public participation in Environmental Impact Assessment.
90. Public hearing and information disclosure.
91. Recommendations on Environmental Impact Statement by the Council.
92. Approval or disapproval of Environmental Impact Statement by the Minister.
93. Cancellation of licence upon disapproval of Environmental Impact Assessment.
94. Delegation of powers to approve Environmental Impact Assessment.
95. Appeal against decision of the Minister on Environmental Impact Assessment.
96. Maintenance of records of decisions on Environmental Impact Assessment.
97. Requirement of fresh Environmental Impact Assessment study.
98. Offence for contravening EIA.
99. Environmental monitoring.
100. Monitoring compliance with Environmental Impact Statement.
101. Environmental audit.
102. Undertaking of safe decommissioning and site rehabilitation.
103. Other assessments.

PART VII
STRATEGIC ENVIRONMENTAL ASSESSMENT

104. Strategic environmental assessment of Bills, regulations, policies, strategies, programmes and plans.
105. Strategic environmental assessment for mineral, petroleum, hydro-electric power and major water project plans.

PART VIII
POLLUTION PREVENTION AND CONTROL

106. General prohibition of pollution.
107. Powers of the Minister to make regulations to prevent and control pollution.
108. Integrated pollution prevention and control.

109. Prohibition of water pollution.
110. Prohibition to discharge hazardous substances, chemicals materials, oil, etc.
111. Duty to keep abreast with technological changes.
112. Duty to disclose information to prevent pollution.
113. Prohibition notices on prescribed process or activity.

PART IX
WASTE MANAGEMENT

(a) Management of Solid Waste

114. Duty of local government to manage and minimize solid waste.
115. Disposal of solid waste from markets, business areas and institutions.
116. Storage of solid waste from industries.
117. Solid waste collection in urban and rural areas.
118. Waste transfer stations.
119. Final disposal of solid waste.

(b) Management of Litter

120. Interpretation with regard to management of litter.
121. Control of litter in public places.
122. Occupiers of private land to clear litter

(c) Management of Liquid Waste

123. On site disposal of liquid waste.
124. Transportation and disposal of liquid waste.
125. Treatment of liquid waste.
126. Liquid waste disposal.
127. Control and monitoring of sewerage system.
128. Industrial liquid waste.
129. Storm water management.

(d) Management of Gaseous Waste

130. Gaseous wastes from dwelling houses.
131. Control of industrial gaseous waste.
132. Gaseous and particulate wastes from vehicles.

(e) Management of Hazardous Waste

133. Importation of hazardous waste.
134. Duty of local government authority in relation to hazardous waste.
135. Movement of hazardous waste.
136. Environmental Impact Assessment for hazardous waste.
137. Final disposal of health care wastes.
138. Disposal of other wastes.
139. General power of local government authorities to minimize waste.

PART X
ENVIRONMENTAL QUALITY STANDARDS

140. Formulation and approval of environmental quality standards.
141. Compliance with standards, etc.
142. Enforcement of environmental quality standards.
143. Water quality standards.
144. Standards for discharge of effluent into water.
145. Air quality standards.
146. Standards for the control of noxious smells.
147. Standards for the control of noise and vibration pollution.
148. Standards for sub-sonic vibrations.
149. Standards for minimization of radiation.
150. Soil quality standards.

PART XI
ENVIRONMENTAL RESTORATION, EASEMENTS AND CONSERVATION ORDERS

(a) Restoration Orders

151. Environmental restoration order.
152. Contents of environmental restoration order.
153. Service of environmental restoration order.
154. Advice before issuing environmental restoration order.
155. Duration of environmental restoration order.

(b) Easements Orders

156. Environmental easements and conservation order.
157. Application for environmental easements.
158. Enforcement of environmental easements.
159. Registration of environmental easements.
160. Compensation for environmental easements.

(c) Conservation Orders

161. Imposition of environmental conservation order.

PART XII

ANALYSIS AND RECORDS

162. Designation of laboratories for analysis and taking of samples.
163. Designation of analysts and reference analysts.
164. Certificate of analysis and its effect.
165. Record keeping of matters impacting on the environment.
166. Annual submission of records.
167. Disclosure of analytical results.
168. Environmental responsibilities of the Government Chemist.
169. Prescribing mode of cooperation on chemical pollutants.
170. Requirement to keep the Council informed.
171. Environmental records on mining activities.

PART XIII

ENVIRONMENTAL INFORMATION, EDUCATION AND RESEARCH

172. Freedom of access to environmental information.
173. Powers of the Council to collect, analyse and disseminate environmental information.
174. Central Environmental Information System.
175. State of the Environment Report.
176. Environmental education and awareness.
177. Environmental research.

PART XIV

PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION MAKING

178. Public participation in environmental decision making.

PART XV

INTERNATIONAL AGREEMENTS

179. International Agreements on Environment.
180. Transboundary environmental management programmes.
181. Establishment of national offices and focal points.

PART XVI
COMPLIANCE AND ENFORCEMENT

182. Appointment and designation of environmental inspectors.
183. Powers of environmental inspectors.
184. Offences relating to environmental impact assessment.
185. Offences relating to records.
186. Offences relating to environmental standards.
187. Offences relating to pollution.
188. Offences relating to biological diversity.
189. Offences relating to environmentals restoration, easements and conservation orders.
190. Offences relating to litter.
191. General penalty.
192. Civil liability.
193. Forfeiture, cancellation, community service and other orders.
194. Compounding of offences.
195. Prevention order to protect the environment.
196. Protection order against activities adverse on the environment.
197. Emergency protection order.
198. Environmental compliance order.
199. Cost order.
200. Offences in relation to environmental inspectors.
201. Liability of managers of bodies corporate.
202. Right of individual and legal persons to sue.
203. Defences.

PART XVII
ENVIRONMENTAL APPEALS TRIBUNAL

204. Establishment and composition of the Tribunal.
205. Sources of funds for the Tribunal.
206. Jurisdiction of the Tribunal.
207. Proceedings of the Tribunal.
208. Awards of the Tribunal.
209. Appeals to the High Court.
210. Immunity of members of the Tribunal.
211. Renumeration of members of the Tribunal.
212. Appointment of the Registrar.

PART XVIII
NATIONAL ENVIRONMENTAL TRUST FUND

213. Establishment of the National Environmental Trust Fund.
214. Objectives of the Fund.
215. Composition and administration of the Fund.
216. Annual accounts and audit of the Fund.

PART XIX
FINANCIAL PROVISIONS

217. Sources of funds of the Council.
218. Bank account and appropriation of funds.
219. Power to raise and guarantee loans.
220. Investments by the Council.
221. Annual and supplementary budget.
222. Accounts and audit.
223. Annual Report.

PART XX
GENERAL AND TRANSITIONAL PROVISIONS

224. Act to bind the Government.
225. Saving over recourse to civil litigation.
226. Range of remedies to the injured.
227. Environmental performance bond.
228. Right to compensation.
229. Environmental emergency preparedness.
230. Regulations.
231. Repeal and savings.
232. Inconsistency with other legislation.
233. Act to be translated into Kiswahili.

SCHEDULES

FIRST SCHEDULE

COMPOSITION, MEETING AND PROCEDURE OF THE NATIONAL ENVIRONMENTAL ADVISORY COMMITTEE

SECOND SCHEDULE

PROCEDURE FOR THE CONDUCT OF BUSINESS BY THE BOARD

THIRD SCHEDULE

TYPE OF PROJECTS WHICH REQUIRE EIA

FOURTH SCHEDULE

COMPOSITION AND PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE FUND

No. 20 OF 2004

I ASSENT,

Benjamin W. Mkapa

President

8th February, 2005

An Act to provide for legal and institutional framework for sustainable management of environment; to outline principles for management, impact and risk assessments, prevention and control of pollution, waste management, environmental quality standards, public participation, compliance and enforcement; to provide basis for implementation of international instruments on environment; to provide for implementation of the National Environment Policy; to repeal the National Environment Management Act, 1983 and provide for continued existence of the National Environment Management Council; to provide for establishment of the National Environmental Trust Fund and to provide for other related matters.

[.....]

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Environmental Management Act, 2004.

Commencement and application

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

(2) This Act shall apply to Mainland Tanzania.

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

Interpretation

"Act" means the Environmental Management Act, 2004;

"analysis" means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect (whether physical, chemical or biological) on any segment of the environment or examination of emissions or recording of noise or sub-sonic vibrations to determine the level or other characteristics of the noise or sub-sonic vibration or its effect on any segments of the environment;

"analyst" means an analyst appointed or designated under section 163;

"beneficial use" means a use of the environment or any element or segment of the environment that is conducive to public health, welfare or safety and which requires protection from the effects of wastes, discharges, emissions and deposits;

"biological diversity" means the variability among living organisms from all sources including, terrestrial ecosystems, aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, among species and of ecosystems;

"biological resources" include genetic resources, organisms or parts thereof, populations, or any other biotic component or ecosystems with actual or potential use or value for humanity;

"Board" means the Board of Directors of the National Environment Management Council referred to under section 19(1);

"biosafety" means avoidance of risk to the protection of the environment and to human health, as a result of the use for research and commerce of genetically modified organisms;

"burdened land" means any land upon which an environmental easement has been imposed;

"chemical" means a chemical substance in any form whether by itself or in a mixture or preparations, whether manufactured or derived from nature and for the purpose of this Act includes industrial chemicals, pesticides, fertilizers and drugs;

"Council" means the National Environment Management Council referred to under section 16;

"decision-making processes" means institutionalized processes or procedures initiated by public or private institutions with the intention of making decisions with potential to have socio-economic and environmental consequences;

"developer" means a person who is developing a project which is subject to an environmental impact assessment process under this Act;

"Director of Environment" means a Director of Environment appointed pursuant to section 14;

"Director General" means the Director General of the National Environment Management Council;

"ecosystem" means a dynamic complex of plant, animal, micro-organism communities and their non-living environment interacting as a functional unit;

"effluent" means gaseous waste, water or liquid or other fluid of domestic, agricultural, trade or industrial origin treated or untreated and discharged directly or indirectly into the environment;

"element" in relation to the environment means any of the principal constituent parts of the environment including water, atmosphere, soil, vegetation, climate, sound, odour, aesthetics, fish and wildlife;

"environment" includes the physical factors of the surroundings of human beings including air, land, water, climate, sound, light, odour, taste, micro-organism, the biological factors of animals and plants, cultural resources and the social economic factor of aesthetics and includes both the natural and the built environment and the way they interact;

"environmental audit" means the systematic, documented, periodic and objective evaluation of how well environmental organization, management and equipment are performing in conserving or preserving the environment;

"environmental easement" means an easement created in pursuance of section 156;

"environmental education" includes the process of recognizing values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the inter-relationship among human beings, their culture and biophysical surroundings;

"environmental impact assessment" means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;

"Environmental Inspector" means an inspector appointed under or designated pursuant to section 182;

"environmental management" includes the protection, conservation and sustainable use of various elements or components of the environment;

"environmental monitoring" means the continuous or periodic determination of actual and potential effects of any activity or phenomenon on the environment whether short-term or long-term;

"environmental planning" means planning that takes into account environmental exigencies;

"environmental resources" includes the resources of the air, land, flora, fauna and water together with their aesthetical qualities;

"environmental restoration order" means an order issued under section 151;

"environmentally friendly" includes any phenomenon or activity that does not cause harm or degradation to the environment;

"environmental health" means and comprises of aspects of human health and disease that are determined by factors in the environment;

"*ex – situ* conservation" means the conservation of components of biological diversity outside their natural habitats;

"Fund" means the National Environmental Trust Fund established by section 213(1);

"gaseous wastes" means gaseous emissions referred to under section 132(1) and includes other emissions which may be prescribed;

"genetic material" means any material of plant, animal, microbial or other organism containing functional units of heredity;

"Genetically Modified Organism (GMO)" means any biological entity capable of replication or transfer of genetic information, and includes plant, animals, bacteria and all other kinds of micro-organisms, cell cultures, viruses, plasmids and other kinds of vectors, created and propagated; by means of cell or gene technology; in which the genetic material has been altered in a way that does not occur naturally;

"genetic resources" means genetic material of actual or potential value;

"good environmental practice" means practice that is in accordance with the provisions of this Act or any other relevant law;

"hazardous substance" means any chemical, waste, gas, medicine, drug, plant, animal or micro organism which is likely to be injurious to human health, life or the environment;

"hazardous waste" means any solid, liquid, gaseous or sludge waste which by reason of its chemical reactivity, environmental or human hazardousness, its infectiousness, toxicity, explosiveness and corrosiveness is harmful to human health, life or environment;

"industrial waste" means waste emanating from processing industries or non-processing industries that is the source of energy, water, treatment plants or communication and includes any other solid wastes referred to under part IX;

"*in-situ* conservation" means conservation of biological diversity within the natural ecosystem and habitat of the biological organism;

"Minister" means the Minister responsible for matters relating to the environment;

"noise" means any pollution caused by sound that is intrinsically objectionable or that may cause adverse effect in human health, life or the environment and includes sound that may be prescribed by the National Environmental Standards Committee;

"ozone layer" means the layer of the atmospheric zone above the planetary boundary as defined in the Vienna Convention for the Protection of the Ozone Layer, 1985;

"participation" means opportunity and ability to influence the outcome of a decision-making process;

"Persistent Organic Pollutants (POPs)" has the meaning ascribed to them under the Industrial and Consumer Chemicals (Management and Control) Act, 2003.

Act No. 3 of 2003

"polluter-pays principle" means a mechanism whereby the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected with or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law;

"pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological, or radio-active properties of any part of the environment by discharging, emitting, or depositing of wastes so as to adversely affect any beneficial use, to cause a condition which is hazardous to public health, safety or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants or to cause contravention of any condition, limitation, or restriction which is the subject to a licence under this Act;

"premises" include measuages, buildings, lands, and hereditaments in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;

"Prior Information Chemicals" means hazardous chemicals and pesticides that require control in international trade as provided by the Rotterdam Convention and includes any other chemicals or pesticides which have been designated as such under any other international agreement to which the United Republic is a party;

"project" includes any project, programme or policy that leads to projects which may have an impact on the environment;

"proponent" means a person proposing or executing a project, programme

or an undertaking specified in the Third Schedule;

"public" means individuals, civil society organizations and institutions, community based organizations, public and private institutions;

"radiation" has the meaning ascribed to it under the Atomic Energy Act, 2003 and includes ionising radiation and any other radiation likely to have adverse effects on human health, life or the environment;

"risk assessment" means the evaluation of the direct and indirect risks to human and animal health, the environment, biological diversity and to the socio-economic conditions and ethical values of the country or its populace which may be posed by the import, contained use, deliberate release or placing on the market of GMOs or its products; Act No. 7 of 2003

"segment" in relation to the environment means any portion or portions of the environment expressed in terms of volume, space, area, quantity, quality or time or any combination thereof;

"sewage" means a combination of excreta, urine, and sullage and liquid wastes from homesteads, institutional, commercial and industrial processes and operations;

"soil" includes earth, sand, rock, shales, mineral, vegetation, and the flora and fauna in the soil and derivatives thereof such as dust;

"solid waste disposal" means the final stage in solid waste management system;

"solid waste" means non-liquid materials arising from domestic, street, commercial, industrial and agricultural activities; and includes refuse or garbage, non-liquid materials arising from construction and demolition activities, garden trimmings and mining operations, dead animals and abandoned cars scraps;

"solid waste management" means an essential service that is provided to protect the environment and public health, promote hygiene, recover materials, avoid waste, reduce waste quantities, decrease emission and residuals and prevent spread of diseases;

"standard" means the limits of discharge or emissions established under this Act or under regulations made pursuant to this Act or any other written law;

"sustainable development" means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems;

"sustainable use" means present use of the environment or natural resources which does not compromise the ability to use the same

by future generations or degrade the carrying capacity of supporting ecosystems;

"trade" means any trade, business or undertaking whether originally carried on at fixed premises or at varying places which may result in the discharge of substances and energy and includes any activity prescribed to be a trade, business or undertaking for the purposes of this Act;

"transfer stations" with respect to solid waste management, means areas of land set aside for collection of solid waste generated from various sources before their final disposal;

"Tribunal" means the Environmental Appeals Tribunal established under section 204;

"waste" means any matter whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner likely to cause an alteration of the environment, and includes such waste as may be prescribed under this Act; and

"water" includes drinking water, river, stream, water-course, reservoir, well, dam, canal, channel, lake, swamp, open drain, or underground water.

PART II
GENERAL PRINCIPLES

Right to clean, safe and healthy environment

4.-(1) Every person living in Tanzania shall have a right to clean, safe and healthy environment.

(2) The right to clean, safe and healthy environment shall include the right of access by any citizen to the various public elements or segments of the environment for recreational, educational, health, spiritual, cultural and economic purposes.

Right to bring an action on environment

5.-(1) Every person may, where a right referred to in section 4 is threatened as a result of an act or omission which is likely to cause harm to human health or the environment, bring an action against the person whose act or omission is likely to cause harm to human health or the environment.

(2) The action referred to in subsection (1) may seek to-

(a) prevent, stop or discontinue any activity or omission, which is likely to cause harm to human health or the environment;

(b) compel any public officer to take measures to prevent or discontinue any act or omission, which is likely to cause harm to human health or environment;

(c) require that any on-going activity or omission be subjected to an environmental audit or monitoring;

(d) require the person whose activity or omission is likely to cause harm to human health or the environment, to take measures to protect the environment or human health;

(e) compel the persons responsible for the environmental degradation to restore the degraded environment as far as practicable to its condition immediately prior to the damage; and

(f) provide compensation for any victim of harm or omission and the cost of beneficial uses lost as a result of an activity that has caused harm to human health or the environment.

(3) The Tribunal, court and any person exercising jurisdiction under this Act shall, in relation to any decision, order, exercise of any power or performance of any function, be guided by the following principles of environment and sustainable development-

(a) the precautionary principle;

(b) the polluter pays principle;

(c) the principle of eco-system integrity;

(d) the principle of public participation in the development policies, plans and processes for the management of the environment;

(e) the principle of access to justice;

(f) the principle of inter-generational equity and intra-generational equity;

(g) the principle of international co-operation in management of environmental resources shared by two or more states; and

(h) the principle of common but differentiated responsibilities.

Duty to protect the environment

6. Every person living in Tanzania shall have a stake and a duty to safeguard and enhance the environment and to inform the relevant authority of any activity and phenomenon that may affect the environment significantly.

Principles of environmental management

7.-(1) The objective of this Act is to provide for and promote the enhancement, protection, conservation and management of the environment.

(2) In the promotion of the objective referred to under subsection (1), this Act provides a legal framework necessary for co-ordinating harmonious and conflicting activities with a view to integrating such activities into an overall sustainable environmental management system by providing key technical support to Sector Ministries.

(3) In achieving the objective of this Act, every person exercising powers under this Act shall observe the principle that:

(a) the environment is the common heritage of present and future generations;

(b) adverse effects be prevented or minimised through long-term integrated planning and coordination, integration and co-operation of efforts, which consider the entire environment as a whole entity;

(c) the precautionary principle, which requires that where there is risk of serious irreversible adverse effects occurring, a lack of scientific certainty should not prevent or impair the taking of precautionary measures to protect the environment;

(d) the polluter pays principle, which requires that any person causing adverse effect on the environment shall be required to pay in full social and environmental costs of avoiding, mitigating, and or remedying those adverse effects;

(e) the public participation principle, which requires the involvement of the people in the development of policies, plans and processes for the management of the environment;

(f) access to environmental information, which enables citizens to make informed personal choices and encourages improved performance by industry and government;

(g) access to justice, which gives individuals, the public and interest groups of persons the opportunity to protect their rights to participation and to contest decisions that do not take their interest into account;

(h) the generation of waste be minimised, wherever practicable, waste should, in order of priority, be re-used, recycled, recovered and disposed of safely in a manner that avoids creating adverse effects or if this is not practicable, is least likely to cause adverse effects;

(i) the environment and natural resources are vital to peoples livelihood, to be used sustainably in order to achieve poverty reduction, and social economic development;

(j) non-renewable natural resources only be used prudently, taking into account the consequences for the present and the future generations; and

(k) renewable natural resources and ecosystems only be used in a manner that is sustainable and does not prejudice their viability and integrity.

(4) With regard to observance of the principles stipulated under subsection (1), the Minister shall be overall responsible for fostering co-ordination between the Government, local government authorities and other bodies engaged in environmental management as a cross-cutting issue and shall in that respect maintain a system of collaboration, consultation and co-operation with any person having functions provided under this Act.

Obligation to give effect to environmental principles

8. Any person performing a public function who, in the course of performing that function, is required to take any action, make a decision, create, revise, or implement any policy, plan, strategy, legislation, guideline or procedure, that is likely to affect the management, conservation or enhancement of the environment or the sustainable management of natural and cultural resources shall have regard to principles of environmental management.

Promotion of the National Environmental Policy

9. All persons exercising powers under this Act or under any other written law having a bearing on the management of the environment shall strive to promote and have regard to the National Environmental Policy.

Environment Day

10.-(1) The Minister shall designate a special day to be known as Environment Day wherein events and activities will be organised to highlight the objectives of the day, purposes of the Act and to encourage willingness to pursue activities related to environmental conservation, protection and management.

(2) The Government, the Council and all relevant institutions shall make efforts to carry out events which support the spirit and objective of the Environment Day.

PART III
ADMINISTRATION AND INSTITUTIONAL ARRANGEMENT

(a) National Environmental Advisory Committee

Establishment and composition of members of the Committee

11.-(1) There is established the National Environmental Advisory Committee which shall be an advisory body to the Minister.

(2) The National Environmental Advisory Committee shall be composed of members whose experience shall reflect the various fields of environmental management in the public, private sector and the civil society.

(3) The National Environmental Advisory Committee shall consist of the members specified in the First Schedule to this Act.

Functions of the National Environmental Advisory Committee

12. The National Environmental Advisory Committee shall advise the Minister or any sector ministry on any matter which may be referred to it, and in particular, it shall –

(a) examine any matter which may be referred to it by the Minister or any sector Ministry relating to the protection and management of the environment and shall recommend to the Minister or the sector Ministry, as the case may be, such action as is necessary for achieving the objectives of this Act;

(b) advise the Minister on any matter in connection with restocking and limitation of stock;

(c) advise the Minister on matters relating to watering, grazing, depasturing and moving stock;

(d) make recommendation to the Minister where there is degradation of the environment;

(e) review and advise on any environmental standards, guidelines and regulations which are to be made pursuant to the provisions of this Act;

(f) receive and deliberate reports from sector ministries on the protection and management of the environment under this Act and other written laws; and

(g) perform such other environmental advisory services to the Minister as are necessary.

(b) Minister Responsible for Environment

Powers of the Minister

13.-(1) The Minister shall be overall responsible for matters relating to environment and shall in that respect be responsible for articulation of policy guidelines necessary for the promotion, protection and sustainable management of environment in Tanzania.

(2) The Minister may issue general guidelines to the Sector Ministries, Government Departments, the Council, National Environment Advisory Committee, City, Municipal or District Environmental Management Committee, agency or any other public or private institution necessary for the purposes of implementation of or giving effect to the provisions of this Act.

(3) The Minister may designate and shall, where appropriate, direct any of the institutions referred to under subsection (2) and within specified time, to perform any function or do any activity or desist from performing any function or doing any activity as a result of which the environment or part of it is or may be seriously endangered or detrimentally affected.

(4) Where the Minister has given a directive pursuant to subsection (3) to any of the bodies in respect to which the directive was issued shall comply or give effect to such directive.

(c) Director of Environment

Director of Environment

14. There shall be the Director of Environment and such other officers as may be necessary for proper discharge of the functions of the office of the Director of Environment.

Functions of the Director of Environment

15. On matters pertaining to the management of the environment, the Director of Environment shall:

(a) coordinate various environment management activities being undertaken by other agencies and promote the integration of environment considerations into development policies, plans, programmes, strategies, projects and undertake strategic environmental assessment with a view to ensuring the proper management and rational utilization of environmental resources on a sustainable basis for the improvement of the quality of human life in Tanzania;

(b) advise the Government on legislative and other measures for the management of the environment or the implementation of the relevant international agreements in the field of environment;

(c) advise the Government on international environmental agreements to which Tanzania should be a member or withdraw its membership;

(d) monitor and assess activities, being carried out by relevant agencies in order to ensure that the environment is not degraded by such activities, environmental management objectives are adhered to and adequate early warning on impending environmental emergency is given;

(e) prepare and issue a report on the state of the environment in Tanzania;

(f) coordinate issues relating to articulation and implementation of environmental management aspects of other sector policies; and

(g) coordinate issues relating to articulation and implementation of the National Environmental Policy.

(d) National Environment Management Council

The Council

16.-(1) There shall be a Council to be known as the National Environment Management Council, also to be known by acronym "NEMC".

(2) The Council shall-

(a) be a body corporate with perpetual succession and common seal;

(b) in its corporate name, be capable of suing and being sued; and

(c) for and in connection with the purposes of this Act, be capable of holding, purchasing and otherwise acquiring and disposing of movable or immovable property.

Object for establishment of the Council

17.-(1) The object and purpose for which the Council is established is to undertake enforcement, compliance, review and monitoring of environmental impact assessment and in that regard, shall facilitate public participation in environmental decision making, exercise general supervision and coordination over all matters relating to the environment assigned to the Council, under this Act or any other written law.

(2) The Council shall prepare and submit to the Minister a bi-annual report concerning how it has implemented the provisions of this Act and fulfilled the objects and the purpose for which it was established.

Functions of the Council

18.-(1) The Council may, for the purposes of carrying out its functions under this Act, do all such acts as may appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of those functions or to be incidental to their proper performance and may carry on any activities in that behalf either alone or in association with any other person or body of persons.

(2) Without prejudice to subsection (1), the Council shall, in collaboration with relevant sector ministries:

(a) carry on environmental audit in relation to section 101;
(b) carry out surveys which will assist in the proper management and conservation of the environment;
(c) undertake and co-ordinate research, investigation and surveys in the field of environment and collect, and disseminate information about the findings of such research, investigation or survey;
(d) review and recommend for approval of environment impact statements;
(e) identify projects and programmes or types of projects and programmes, for which environmental audit or environmental monitoring must be conducted under this Act;
(f) enforce and ensure compliance of the national environmental quality standards;

(g) initiate and evolve procedures and safeguards for the prevention of accidents which may cause environmental degradation and evolve remedial measures where accidents occur;

(h) undertake, in co-operation with relevant sector Ministries programmes intended to enhance environmental education and public awareness about the need for sound environmental management as well as for enlisting public support and encouraging the effort made by other entities in that regard;

(i) publish and disseminate manuals, codes or guidelines relating to environmental management and prevention or abatement of environmental degradation;

(j) render advice and technical support, where possible, to entities engaged in natural resources and environmental management so as to enable them to carry out their responsibilities; and

(k) perform such other functions as the Minister may assign to it or as are incidental or conducive to the exercise by it of any or all of the functions provided under this Act.

(3) Any person who is aggrieved by the decision of the Council under this section may appeal to the Minister.

Board of the Council

19.-(1) There shall be a Board of Directors of the Council.

(2) The Council shall be managed by the Board, which shall consist of-

(a) the Chairman who shall be appointed by the President;
(b) the Director of Environment; and
(c) seven members, appointed by the Minister at least two of whom being women.

(3) The Director-General shall be the Secretary to the Board.

(4) No person shall be appointed under subsection (2)(a) and (c) unless such person holds at least a degree of a recognized university in the fields of environmental law, environmental health science, natural resource management or a relevant social science or, in *lieu* thereof, such person shall have proven experience and knowledge in the field of environment management.

(5) The members referred to under paragraph (a) and (c) of subsection (2) shall be appointed at different times so that the respective expiry dates of their terms of office shall fall vacant at different times.

Conduct of business and affairs of the Council

20.-(1) The Board shall meet at least three times a year.

(2) Procedure for the conduct of business by the Board and termination or cessation of membership to the Board shall be as provided for under the Second Schedule to this Act.

Appointment of the Director General

21.-(1) There shall be an office of the Director-General.

(2) The Director-General shall be appointed by the President from among persons who, in addition to holding a degree from a recognized university in the fields of environmental law, environmental health science, environmental engineering, natural resource management, or any other relevant discipline has at least ten years working experience in the relevant field.

(3) The Director-General shall be the chief executive officer of the Council and shall, subject to the provisions of this Act, be responsible for the day to day management of the affairs of the Council.

(4) The Director-General shall hold office for a term of five years and may be eligible for reappointment for another term.

(5) The Director-General shall be responsible to the Board for the proper administration and management of the function and affairs of the Council and shall discharge other duties as may be assigned to him by the Board.

(6) The Director-General, staff and employees of the Council shall be paid salaries and allowances as may be determined by the Government.

Staff and employees of the Council

22. The Council may appoint such officers or other staff as are necessary for the proper discharge of its functions under this Act or any other written law and upon such terms and conditions of service as the Board may determine.

General powers of the Council

23. The Council shall have all powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Council shall have power to-

(a) control, supervise and administer the assets of the Council in such manner as may best promote the purpose for which the Council is established;

(b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Council;

(c) receive any grants, gifts, donations or endowments and make disbursements from grants, gifts, donations or endowments;

(d) enter into association with other bodies or organisation within or outside Tanzania as it may consider desirable or appropriate and in furtherance of the purpose for which the Council is established;

(e) open a bank account or bank accounts for the funds of the Council; and

(f) invest any funds of the Council which are not immediately required for its purposes in the manner provided for in section 220.

Powers of the Council in respect of other agencies

24.-(1) Subject to subsection (2), the Council may, after giving reasonable notice of its intention so to do, direct any agency to perform, within such time and in such manner as it shall specify, any of the duties imposed upon any agency by or under this Act or any other written law, in relation to enforcement and compliance and if such agency fails to comply with the direction, the Council may itself perform or cause to be performed the duties in question, and the expense incurred by it in so doing shall be a civil debt recoverable by the Council from that agency.

(2) The Council shall seek and obtain written authorization of the Minister before exercising power under this section.

25. The Council shall have and may exercise all necessary powers required to bring about compliance with any directive issued by it and may, in that respect, take or cause to be taken such measures including bringing action in the court of law or the Tribunal.

Powers of the Council to ensure compliance

26. Subject to this Act, the Council may delegate to any sector Ministry, environmental management body, employee or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.

Performance of the functions of the Council by other bodies

27.-(1) There shall be a common seal of the Council as may be determined by the Board.

Common seal of the Council

(2) The common seal of the Council shall not be affixed to any instrument except in the presence of the Chairman or the Secretary or some other officer of the Council and at least one member of the Board.

28. No matter or thing done by the Board, member of the Board, employee or agent of the Council shall, if done in good faith during execution of the functions, powers or duties of the Council, render the Board, member, employee or agent personally liable to any action, claim or demand in any way.

Indemnity of the Board, member, etc., from personal liability.

29. For avoidance of conflict of interest, partiality and for the purpose of good practice, no employee or staff of the Council, or agent of the Council or any person having contractual agreement with the Council to conduct reviews of the environmental impact assessment shall carry out environmental impact studies consequent upon compliance with the requirement of any provision of this Act.

Conflict of interest

(e) Sector Ministries

Establishment of sector environment section

30. There shall be established in each Ministry a sector environmental section, which shall have such functions and duties as assigned to them under this Act including-

(a) responsibility for ensuring compliance by the sector Ministry with the requirements of this Act;

(b) responsibility for ensuring all environmental matters contained in other written law falling under sector ministry are implemented and report of their implementation is submitted to the Director of Environment; and

(c) liason with the Director of Environment and the Council on matters involving environment and all matters with respect to which cooperation or shared responsibility is desirable or required under this Act.

Functions of sector environment section

31.-(1) Each sector environmental section shall be required-

(a) to advise on and, in collaboration with other bodies, implement the policies of the Government on the protection and management of the environment;

(b) to coordinate the activities related to the environment within the Ministry;

(c) to ensure that environmental concerns are integrated into the ministry or departmental development planning and project implementation in a way which protects the environment;

(d) to collaborate with other institutions or agencies, evaluate existing and proposed policies and legislation and recommend measures to ensure that those policies and legislation take adequate account of effects on the environment;

(e) to prepare and coordinate the implementation of environmental action plans at the national and local levels as required under this Act;

(f) to promote public awareness of environmental issues through educational programmes and the dissemination of information;

(g) to refer to the Council any matter related to the enforcement for the purposes of this Act;

(h) to carry out such other functions as are necessary to comply with the purposes of this Act;

(i) to undertake analysis of environmental impact of sectoral legislation, regulations, policies, plans, strategies and programs through strategic environmental assessment;

(j) to ensure that sectoral standards are environmentally sound;

(k) to oversee the preparation and implementation of Environmental Impact Assessments required for investments in the sector;

(l) to ensure compliance with various regulations, guidelines and procedures issued by the Minister; and

(m) in conjunction with the Ministry responsible for local government, to provide environmental advice and technical support to district level staff working in the sector.

(2) Every sector Ministry shall carry out its functions and duties in connection with the environment as prescribed in any other law provided that such law does not conflict with the provisions of this Act.

Submission of sector Ministries report

32.-(1) A sector Ministry charged with the management of any segment of the environment under any other law shall through the Sector Environmental Coordinator submit to the Director of Environment-

(a) bi-annual report concerning the state of that segment of the environment and the measures taken by that sector Ministry to maintain or improve the environment;

(b) a review of environmental law falling under the Ministry and the extent of their implementation; and

(c) through its environment section such other report as may be required by the Director of Environment.

(2) Where a sector Ministry suspects or detects any contravention of an environmental law beyond its line of responsibility it shall immediately, through its environmental section, inform the Director General and the relevant sector Ministry.

Appointment or designation of a sector environment coordinator

33.-(1) There shall be appointed or designated by each sector Ministry a person to be known as Sector Environment Coordinator.

(2) Sector Environment Coordinator shall be charged with the following functions–

(a) coordinating all activities and performance of the functions relating to the environment;

(b) prevention and control of any activity likely to cause or bring about environmental degradation;

(c) report on the implementation and enforcement of environmental provisions of laws falling under the jurisdiction of the sector; and

(d) provide a link between the sector Ministry in which he is employed with the Director of Environment and the Council.

(3) The Sector Environment Coordinator shall be appointed or designated from among officers within each of the sector Ministry and shall be a person who possesses adequate knowledge in environmental management.

(f) Regional Secretariat

Regional coordination on environmental management

34. The Regional Secretariat shall be responsible for co-ordination of all advice on environmental management in their respective regions and liaison with the Director of Environment and the Director-General on the implementation and enforcement of this Act.

Appointment or designation of a regional environment management expert

35.-(1) There shall be appointed or designated by the Minister responsible for regional administration a person to be known as the Regional Environment Management Expert who shall be charged with the responsibility of advising the local authorities on matters relating to the implementation and enforcement of this Act.

(2) The Regional Environment Management Expert shall be a link person between the region in which he is employed with the Director of Environment and the Director-General.

(g) Local Government Authorities

Functions of local government environmental management officers

36.-(1) There shall be designated or appointed by each City, Municipal, District and Town Council an Environment Management Officer who shall be a public officer and shall –

(a) in the case of geographical jurisdiction of a City, the Environment Management Officer shall be known as the City Environment Management Officer;

(b) in the case of geographical jurisdiction of a Municipality, the Environmental Management officer shall be known as the Municipal Environment Management Officer;

(c) in the case of geographical jurisdiction of a District, the Management Officer who shall be known as the District Environment Management Officer; and

(d) in the case of geographical jurisdiction of a town, the Management Officer who shall be known as the Town Environment Management Officer.

(2) A person designated or appointed by the City, Municipal, District or Town Environment Management Officer shall be a holder of a degree or diploma of a recognized institution of higher learning and has competence in environmental management.

(3) The Environment Management Officer shall:–

(a) ensure the enforcement of this Act in the respective area to which he belongs;

(b) advise the environment management committee to which he belongs on all matters relating to environment;

(c) promote environmental awareness in the area he belongs on the protection of the environment and the conservation of natural resources;

(d) gather and manage information on the environment and utilization of natural resources in the area;

(e) prepare periodic reports on state of the local environment;

(f) monitor the preparation, review and approval of Environmental impact assessments for local investments;

(g) review by-laws on environmental management and on sector specific activities related to the environment;

(h) report to the Director of Environment and the Director-General on the implementation of the Act; and

(i) perform such other functions as the local government authority may from time to time assign him.

Standing Committees of local government authorities Act Nos. 7 and 8 of 1982

37.-(1) The Standing Committee on Urban Planning and Environment established under subsection (1) of section 42 of the Local Government (Urban Authorities) Act, 1982 as well as the Standing Committee on Economic Affairs Works and Environment established under subsection (1) of section 74 of the Local Government (District Authorities) Act, 1982 shall each be the City, Municipal or District Environment Management Committee in respect of the City, Municipal or District to which each of such Standing Committee is established.

(2) The City, Municipal and District Environmental Management Committee shall perform such functions as are provided for under subsections (1) and (2) of section 55 of the Local Government (Urban Authorities) Act, 1982 and as the case may be, subsections (1) and (2) of section 118 of the Local Government (District Authorities) Act, 1982 as well as regulations made under each of such laws.

(3) Without prejudice to subsection (2), the City, Municipal and District Environmental Management Committee shall also-

(a) perform such additional functions as are prescribed by this Act or as may, from time to time, be assigned to any one of such city, municipal or district by the Minister by notice published in the *Gazette*; and

(b) carry out all directives given to them by the Minister in relation to the promotion and enhancement of sustainable management of the environment.

Standing Committees in townships, wards, villages and kitongoji Act Nos. 7 and 8 of 1982

38.-(1) Each Standing Committee of Economic Affairs, Works and Environment of a township established under subsection (1) of section 96 of the Local Government (District Authorities) Act, 1982, a special committee formed pursuant to section 107 of the Local Government (District Authorities) Act, 1982 as well as the Ward Development Committee established under subsection (1) of section 31 of the Local Government (District Authorities) Act, 1982 shall, in relation to an area to which it is established-

(a) be responsible for the proper management of the environment in respect of the area in which they are established;

(b) perform such additional functions as are prescribed by this Act or as may be assigned to each or any one of them by the Minister or the Council;

(c) carryout all directives given to them by the Minister in relation to the promotion and enhancement of sustainable management of the environment; and

(d) perform any other function or discharging any other duty relating to ancillary or incidental to proper management of the environment as are provided for under the Local Government (District) Authorities Act, 1982.

(2) The Village Development Committee of each village shall be responsible for the proper management of the environment in respect of the area in which it is established and may perform *mutatis mutandis* any other functions as are provided for under paragraphs (a), (b), (c) and (d) of subsection (1).

Designation of the Township, Ward, Village, Mtaa and Kitongoji Environment Management Officer

39. The District Council shall designate for each administrative area of a township, ward, village, Mtaa and Kitongoji a public officer who-

(a) in the case of geographical jurisdiction of a township be known as the Township Environment Management Officer;

(b) in the case of geographical jurisdiction of a Kitongoji, be known as the Kitongoji Environment Management Officer;

(c) in the case of geographical jurisdiction of a Ward, be known as the Ward Environment Management Officer;

(d) in the case of geographical jurisdiction of a Mtaa, be known as the Mtaa Environment Management Officer; and

(e) in the case of geographical jurisdiction of a Village, be known as the Village Environment Management Officer.

Functions of the Township, Ward, Village, Mtaa and Kitongoji Environment Management Officer

40. The functions of the Township, Ward, Village, Mtaa and Kitongoji Environment Management Officer shall be to coordinate all functions and activities geared towards the protection of environment within the area of the township, ward, mtaa, village and kitongoji or, as the case may be, within the district to which he is designated.

General powers of the City, Municipal, District, Township, Ward, Village, Mtaa and Kitongoji Environmental Management Committees

41. Each Environmental Management Committee shall, in relation to an area to which it is established, have powers to-

(a) initiate inquiries and investigations about any allegation related to the environment and the implementation or violation of the provisions of this Act;

(b) require any person to provide information or explanation about any matter related to the environment;

(c) resolve conflict among individual persons, companies, agencies, non governmental organisations, Government departments or institutions about their respective functions, duties, mandates, obligations or activities under this Act;

(d) inspect and examine any premises, street, vehicle, aircraft or any other place or article which it believes or have reasonable cause to believes that pollutant or other articles or substances believes to be pollutant is kept or transported;

(e) require any person to remove at own cost any article or substance from any place which it believes such article or substance may be safely kept or destroyed without causing harm to health; and

(f) initiate proceedings of civil or criminal nature against any person, company, agency, department or institution that fails or refuses to comply with any directive issued by any of such Committees.

PART IV

ENVIRONMENTAL PLANNING

Local government authorities environmental action plans

42.-(1) Each local government authority shall, with respect to its geographical area of jurisdiction prepare the Environmental Action Plan below the National Environmental Action Plan.

(2) Each Environmental Action Plan made by local authorities shall-

(a) be in conformity with the National Environmental Action Plan;

(b) identify environmental problems prevalent in the area and recommend measures to mitigate the problem;

(c) be prepared in accordance with the provisions of Part XIV of this Act; and

(d) contain such matters as may be prescribed for under this Act.

Environmental plans at sector level

43.-(1) The Minister shall make rules prescribing for the preparation of periodic environmental plans at sector level.

(2) For the purposes of this section, "sector Ministry" shall be construed to mean a Government Ministry or Department or Agency for the time being responsible for a given segment of the environment or any body whose activity may have impact on the environment.

(3) At an interval of every five years, each sector Ministry shall prepare and submit to the Minister, a Sector Environmental Action Plan.

(4) Each Sector Environmental Action Plan shall-

(a) be in conformity with the National Environmental Action Plan;

(b) identify environmental problems prevalent in the area and recommend measures to mitigate the problem;

(c) be prepared in accordance with provisions of Part XIV of this Act; and

(d) contain such matters as may be prescribed for under this Act.

Environmental Planning at national level

44.-(1) The Director of Environment shall, in consultation with the Council, appropriate sector Ministry or Department, or Agency of the Government responsible for a segment of the environment and whose nature of activity may have impact on environment, at interval of every five years, prepare and submit to the Minister a National Environmental Action Plan.

(2) National Environmental Action Plan shall-

(a) be the basis for integrating environmental concerns into formulation and implementation of plans and programmes;

(b) provide general guidance for the management and protection of the environment and natural resources;

(c) identify key environmental problems facing each sector of the environment;

(d) recommend methods for building national awareness on the importance of sustainable use of the environment and natural resources for national development;

(e) take into account Action Plans prepared under the auspices of the local government authorities, Sector Ministries and any such other levels designated by the Minister;

(f) contain an analytical profile of the various uses and values of the natural resources incorporating considerations of intergenerational equity;

(g) recommend appropriate legal and fiscal incentives that may be used to encourage the business community to incorporate environmental requirements into their planning and operational processes;

(h) identify and appraise trends in the development of urban and rural settlement, their impacts on the environment, and strategies for the amelioration of their negative impacts;

(i) propose guidelines for the integration of standards of environmental protection into development planning and management;

(j) prioritize areas of environmental research and outline methods of using such research findings;

(k) identify and recommend policy and legislative approaches for preventing, controlling or mitigating specific as well as general adverse impacts on the environment; and

(l) provide for any other matter which the Minister may direct.

Regulations on preparation, adoption and implementation of action plans

45. The Minister may make regulations prescribing for the procedure and the manner in which Environment Action Plan may be prepared, adopted and implemented.

Public Participation in preparation of National Environmental Action Plan

46. The Minister shall in accordance with Part XIV, facilitate participation of the general public in the preparation and dissemination to the public the National Environmental Action Plan.

PART V

ENVIRONMENTAL MANAGEMENT

(a) Environmental Protected Areas

Declaration of Environmental Protected Areas

47.-(1) The Minister may, on recommendation of the National Environmental Advisory Committee, declare any area of land which is ecologically fragile or sensitive to be an Environmental Protected Area.

(2) The powers conferred on the Minister under this section shall not extend to cover areas already declared or which may be declared as protected area under any other written law.

(3) In determining whether or not to declare any area as an Environmental Protected Area, the Minister shall have regard to–

(a) representations made by any person or non-governmental organizations with sufficient public or private interest in the area;
(b) the natural features and beauty of the area;
(c) flora and fauna of the area;
(d) the unique or special geographical, physiographical, ecological or historic and cultural features of the area;
(e) any special scientific feature, cultural feature or biological diversity of or existing in the area;
(f) the interests of the local communities in or around the area; and
(g) the need for the Government to comply with any international obligation under any agreement to which Tanzania is a member.

(4) The Management of the Environmental Protected Area shall vest in the Council.

(5) The Minister shall cause to be gazetted and declare Environmental Protected Areas to be managed by the Council.

Environmental protection plan and ecosystem management plan for Environmental Protected Areas

48.-(1) Where an area has been declared to be an Environmental Protected Area, the Council shall, in consultation with relevant sector prepare an environmental protection plan for that area.

(2) The environmental protection plan shall–

(a) set out the objectives of protecting and managing the area;
(b) set out policies for the protection and management of the area;
(c) formulate strategies for protection and management of the area;
(d) provide for the development of social amenities and recreational facilities where necessary;
(e) facilitate the carrying out of scientific research; and
(f) incorporate all necessary requirements for environment management plans.

(3) Notwithstanding provisions of the subsections (1) and (2), the Council may prepare an ecosystem management plan for an Environmental Protected Area.

(b) Environmental Management Plans for National Protected Areas

Environmental Management Plans for national Protected Areas

49.-(1) Each national protected area shall be governed and managed in accordance with the respective written law under which it is protected.

(2) Notwithstanding the provisions of sub-section (1), each managing authority of a national protected area shall prepare and implement an environmental management plan which–

(a) identifies areas of biological diversity;
(b) identifies associated communities, other users and institutions to be involved;
(c) describes extension and education work with communities and other users on the establishment of the protected areas;
(d) indicates costs and benefits of the area's protection in a manner considered equitable by the person's identified under subsection (1) (b);
(e) describes the boundaries of the national protected area;
(f) defines the management measures to be taken within the national protected area;
(g) outlines the regulations applicable to the national protected area;
(h) prescribes means to monitor the implementation of the plan;
(i) describes any other matter relevant to environmentally sound management of the national protected area;
(j) is approved by the relevant authority having mandate and is under the jurisdiction of that protected area; and
(k) is published, where appropriate, in the *Gazette* by the Minister responsible for the national protected areas systems.

(3) Management measure that may be taken pursuant to subsection (1) (f) may include-

(a) zoning;
(b) access restrictions;
(c) use restrictions;

(e) benefit sharing;
(f) entrance fees and permits; and
(g) any other measure deemed appropriate for proper and sound use of the area.

(c) Conservation and Protection

Land utilization management

50. The Management and utilisation of land shall be in accordance with the prevailing land laws provided that where there is any conflict on environmental aspect of land management, the provisions of this Act shall prevail.

Environmentally sensitive areas

51.-(1) Where the Minister considers it necessary, he may by order published in the *Gazette,* declare any area to be environmentally sensitive under this Act.

(2) Management of environmental sensitive area under this section shall be done in accordance with procedures prescribed by the Minister.

(3) Any person who fails, neglects or refuses to comply with procedures prescribed to regulate environmentally sensitive areas commits an offence.

Identification of environmentally sensitive areas

52. Without prejudice to section 51, the following land shall constitute environmentally sensitive areas for the purposes of this Act–

(a) swamps;
(b) any area declared as environmentally sensitive by any local government authority;
(c) area designated by the Council as prone to soil erosion;
(d) land designated by the Council as lands where landslides have occurred or are likely to occur;
(e) all areas that have been closed by the Minister to livestock keeping, occupation, cultivation and other specified activities;
(f) area on slopes with a gradient exceeding any angle which the Minister shall, after taking account of proper scientific advice, specify;
(g) arid and semi-arid lands;
(h) land specified by the Council as land which should not be developed on account of its fragile nature or of its environmental significance; and

(i) land declared under any other written law to be environmentally sensitive area or hazardous land.

Environmental conditions to village lands Act No. 5 of 1999

53. Apart from the terms and conditions prescribed by section 29 of the Village Land Act, 1999 regarding village lands or on land sharing arrangement between pastoralists and agriculturalists in terms of section 58 of the Village Land Act, 1999, the Minister may prescribe any other additional environmental protection conditions to be complied with by the grantees of customary rights of occupancy.

Declaration of protected river, riverbank, lake or lakeshore and shorelines

54.-(1) Notwithstanding any other written law for the time being regulating rivers, riverbanks, lakes or lakeshores and shoreline, the Minister may, in consultation with other relevant Ministries, by notice published in the *Gazette*-

(a) declare a river, riverbank, lake, or lakeshore and shoreline a protected area for the purposes of this Act; and

(b) impose any restrictions as he considers necessary for the protection of the river, riverbank, lake or lakeshore and shorelines from environmental degradation.

(2) While exercising powers under subsection (1), the Minister shall have regard to:

(a) the geographical size of the river, riverbank, lake or lakeshore and shoreline;

(b) the interests of the communities resident around the river, riverbank, lake or lakeshore and shoreline concerned; and any advise that may be given by sector ministries.

Protection and Management of rivers, river bank, lake or lakeshore and shorelines

55.-(1) Without prejudice to the provisions of any other relevant written law, the Council and local government authorities responsible for environmental matters, shall issue guidelines and prescribe measures for the protection of riverbanks, rivers, lakes or lakeshores and shorelines.

(2) Where guidelines and measures have been prescribed pursuant to subsection (1), it shall be an offence to carry out any of the following activity without prior authorization or permit issued by the Minister-

(a) use, erect, construct, place, alter, extend, remove or demolish a structure in or under the ocean or natural lake shorelines, riverbank or water reservoir;

(b) excavate, drill, tunnel or disturb the shoreline of ocean or natural lake, river bank or water reservoir;

(c) introduce or plant any part of a plant, plant specimen whether alien or indigenous, dead or alive in a ocean river, ocean river bank, lake or lakeshore;

(d) deposit a substance in a river, river bank, lake or, lakeshore, shoreline or wetland or in or under its bed, which is likely to have adverse environmental effects on river, river bank, lake or lakeshore shoreline or wetland;

(e) direct or block a river, river bank, lake or, lakeshore, shoreline or wetland from its natural course; or

(f) drain a river or lake.

(3) Any person contravening the provisions of this section commits an offence.

(4) The Minister may delegate his powers under this section to the Director of Environment, or an officer of the local government authority or an officer in the sector Ministry.

Declaration of protected wetlands

56.-(1) The Minister shall, after consultation with the Minister responsible for land, declare any area of land to be a protected wetland under this Act.

(2) For purposes of management of wetlands declared under subsection (1), sector Ministries under whose jurisdiction any area of wetland falls, shall be responsible for the management of wetlands falling under their respective jurisdiction.

(3) Sector environmental coordinators shall furnish to the Director of Environment information on the management and status of wetlands falling under their respective jurisdiction.

(4) The conditions prescribed under section 55(2) shall apply *mutatis mutandis* to wetlands.

(5) The Minister in consultation with other sector Ministries may make regulations and guidelines on the sustainable management of wetlands protected under this Act.

Prohibition of human activities in certain areas

57.-(1) Subject to subsection (2), no human activities of a permanent nature or which may, by their nature, likely to compromise or adversely affect conservation and, or the protection of ocean or natural lake shorelines, riverbank, water dam or reservoir, shall be conducted within sixty metres.

(2) The Minister may make guidelines for the conduct of human activities within the areas referred to under subsection (1).

Protection of mountains, hills and landscapes

58.-(1) The Council in consultation with local government authorities shall, within five years of coming into operation of this Act, identify hilly or mountainous areas, which are at risk from environmental degradation.

(2) A hilly or mountainous area shall be regarded to be at risk from environmental degradation if-

(a) it is prone to soil erosion;

(b) landslides have occurred or are likely to occur in that area;

(c) vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced; or

(d) any other land use activity in that area is likely to lead to environmental degradation.

(3) The Minister shall, by Order in the *Gazette*, issue a list of landscapes, mountains and hilly areas regarded to be at risk from environmental degradation.

(4) A list of all areas referred to under subsection (3) shall be kept under the custody of Council and be treated as protected area and, in relation therewith the Council shall prescribe strategies for their management.

Promotion of coastal zone environmental management

59. The Minister shall, after consultation with the Minister responsible for local government authorities and any other relevant institutions make regulations for the promotion of integrated coastal zone environmental management.

60.-(1) Every applicant for water use permit issued under the relevant laws governing management of water resources, abstraction and use of water, shall be required to make a statement on the likely impact on the environment due to the use of water requested.

Environmental obligations under water laws

(2) For the purposes of keeping records of matters impacting on the environment by reason of abstraction and use of water, the Basin Water Boards shall file yearly returns to the Sector Environmental Coordinator indicating extent of compliance by water use permit holders of the following conditions-

(a) obligation to return water after its use to the body of water from which it was taken;
(b) ensuring that water that is returned to any specified source is not polluted; and
(c) taking of the precautions to the satisfaction of the Water Officer to prevent accumulations in any river, stream or water course of silt, sand, gravel, stones, sawdust refuse, sewerage, sisal waste or any other substances likely to affect injuriously the use of such water by human and other components of environment.

(3) Basin Water Boards in prioritising different uses of water shall ensure that adequate water is made available for environmental purposes.

61. Without prejudice to the powers of the local government authorities on matters relating to the discharge of sewerage, the Minister may advise, and where appropriate, issue any direction to any person, officer or authority on such discharge.

Minister may advise on the discharge of sewerage

62. The Minister shall consult and advise the Minister responsible for water on the making of rules governing issuance of permits for the discharge of effluent.

Consultation on discharge

63.-(1) All forests shall be managed in accordance with the provisions of the Forests Act, 2002 and matters relating to environment shall conform with the provisions of this Act.

Management of forest resources Act No. 14 of 2002

(2) Where any matter concerning management of environment undertaken according to the provisions of the Forests Act, 2002 is in conflict with this Act, the provision of this Act shall prevail.

(3) The Minister shall, in relation to the making of rules on environmental management of forest resources consult the Minister responsible for forestry.

Promotion of conservation of energy

64. The Minister shall, in consultation with Minister responsible for forestry or as the case may be, energy, promote the use of renewable sources of energy by-

(a) promoting research in appropriate renewal sources of energy;
(b) creating incentives for the promotion of renewable sources of energy;
(c) promoting policies and measures for the conservation of non-renewable sources of energy; and
(d) taking measures to encourage the planting of trees and woodlots by individual users, institutions and by community groups.

Promotion of conservation of fisheries and wildlife resources, etc. Act Nos. 22 of 2003 and 29 of 1994

65.-(1) All fisheries resources shall be managed in accordance with the provisions of the Fisheries Act, 2003 and the Marine Parks and Reserves Act, 1994.

(2) Wildlife resources shall be managed in accordance with the provisions of the legislation relating to wildlife matters.

(3) All tourism activities shall be conducted and managed in accordance with the laws related to tourism.

(4) Where any matter concerning the management of environment undertaken in accordance with the provision of the Fisheries Act, 2003, the Marine Parks and Reserves Act, 1994, any law governing conservation of wildlife and tourism laws is in conflict with this Act, this Act shall prevail.

Conservation of biological diversity

66.-(1) The Minister shall strive to attain the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

(2) The powers of the Minister under this section shall in general include regulating appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources, indigenous knowledge, technologies and appropriate funding.

(3) The Minister may, take into account of any particular conditions and capabilities and after consultation with relevant sector Ministry, make regulation prescribing:–

(a) the development of national strategies, programmes or plans for the conservation and sustainable use of biological diversity;

(b) adaptation of such existing strategies, plans or programmes for the purposes of conservation of biological diversity;

(c) integration, as far as possible and as appropriate, of the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies;

(d) identification of the components of biological diversity important for conservation and sustainable use, having regard to any international standards applicable to Tanzania;

(e) monitoring through sampling and other techniques, the components of biological diversity, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(f) identifying the processes and categories of activities which have or are likely to have significant adverse impacts on the conservations equitable sharing and sustainable use of biological diversity, and monitoring their effects through sampling and other techniques; and

(g) maintenance and organization:–

(i) by any mechanism; or

(ii) data derived from identification and monitoring activities pursuant to this section.

Conservation of biological diversity *in-situ*

67.-(1) The Minister may, in consultation with relevant sector Ministry, make regulations providing for *in-situ* conservation of biological diversity.

(2) Regulations made under this section may prescribe:

(a) procedures for the establishment of a systems of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) how to regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;

(d) the promotion of protection of ecosystems, natural habitats

and the maintenance of viable populations of species in natural surroundings;

(e) the promotion of environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) rehabilitation and restoration of degraded ecosystems and promotion of the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies;

(g) establishment or management of the risks associated with the use and release of living modified organisms resulting from biotechnology which are genetically modified and which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health as well as social, economic cultural and ethical concern;

(h) prevention of the introduction of, control or eradication of those alien species which threaten ecosystems, habitats or species;

(i) furnishing conditions that may be needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

(j) guidelines on methods to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities;

(k) adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity;

(l) promotion and encouragement of the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices; and

(m) procedures for the establishment of a system or systems of protected areas or areas where special measures need to be taken to conserve biological diversity.

Conserva -tion of biologi- cal diversity *ex-situ*

68. The Minister may, in consultation with relevant Ministries, make rules with respect to ex-situ conservation prescribing the following measures:

(a) adopt measures for the *ex-situ* conservation of components of biological diversity originating in Tanzania;

(b) establish and maintain facilities for *ex-situ* conservation and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;

(c) adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;

(d) regulate and manage collection of biological resources from natural habitats for *ex-situ* conservation purposes so as not to threaten ecosystems and *in-situ* populations of species;

(e) adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity; and

(f) cooperate in providing financial and other support for *ex-situ* conservation.

Regulat- ion for the develop- ment, handling, and use of Genetic- ally Modified Organis- ms and their products

69.-(1) Without prejudice to any law governing biosafety and biotechnology, any person who develops, handles, uses, import or export genetically modified organisms (GMO) and, or their product shall be under general obligation to ensure that such organisms do not harm, cause injury or loss to the environment and human health including socio-economic, cultural and ethical concerns.

(2) The harm, injury or loss include personal injury, damage to property, financial loss, and damage to environment or to biological diversity.

(3) In this section "organisms" means any active, ineffective or dormant stage of life form of an entity characterized as living, including plants, bacteria, fungi, mycoplasmas like entities, vertebrate and invertebrate animals, as wells as entities such as various, viruses or any living entity related to it.

Manage- ment of range- lands

70.-(1) The Minister may in consultation with relevant sector Ministers issue guidelines and prescribe measures for the sustainable management and utilisation of rangelands.

(2) In issuing the guidelines and prescribing measures referred to in subsection (1), the Minister shall be guided by-

(a) the carrying capacity of the land;
(b) the conservation of the soil;
(c) the risk to desertification faced by rangeland; and
(d) any other factor, which the Minister may in consultation with relevant sector Ministers, consider appropriate.

Environmental land use planning directives

71. The Minister may, in consultation with the Minister responsible for land, give general and specific environmental and land use planning directives which shall be incorporated or taken into account by-

(a) the National Land Use Planning Commission;
(b) the Area Planning Committees established under any law regulating urban planning;
(c) sewerage authorities;
(d) local government authorities responsible for any rural or urban planning functions;
(e) relevant local government authorities when preparing any land use regulations designating areas set aside for residential, commercial, industrial, pastoral and agricultural purposes; and
(f) any other institution carrying on responsibility touching on land use.

Obligation to use land sustainably

72. Land users and occupiers shall be responsible for the protection, improvement and nourishment of the land, and for using it in an environmentally sustainable manner as may be prescribed by the Minister.

Protection of natural and cultural heritage

73.-(1) Any matter or activity relating to protection and conservation of natural and cultural heritage shall take into account necessary requirements for the protection of environment as provided for under this Act.

(2) Where any matter concerning management of the environment undertaken according to any written law is in conflict with this Act, this Act shall prevail.

Protection of the atmosphere

74.-(1) The Minister shall, in consultation with the relevant sector Ministry-

(a) undertake or commission other persons to undertake national studies and give due recognition to development in scientific knowledge relating to substances, activities and practices that deplete the stratospheric ozone layer and other components of the stratosphere to the detriment of public health and the environment;

(b) issue guidelines, and institute programmes relating to-

(i) the elimination of substances that deplete the ozone layer; or

(ii) management practices and activities likely to lead to the degradation of the ozone layer and the stratosphere; or

(iii) the reduction and minimization of risks to human health created by the degradation of the ozone layer and the stratosphere.

(2) The Minister shall make regulations for control of importation, exportation and consumption of ozone depleting substances or related equipment.

Measures on climate change

75. The Minister shall, in consultations with relevant sector Ministries:

(a) take measures to address climate change, particularly the impacts of climate change and adaptation measures;

(b) issue guidelines periodically to Ministries and any other institutions in order to address climate change and its impacts as a result of global warming;

(c) require Ministries and independent Government departments to put in place strategies and action plans to deal with climate change and to advise schools and higher learning institutions to include matters relating to climate change in their curriculum;

(d) review and approve any measures undertaken to address climate change by any institution, firm, sector or individuals be it foreign or local, including those related to the use of land, water, forests or any other ecosystems within the United Republic to sequester greenhouse gases; and

(e) project national positions at global level on how to deal with the problem of climate change in the context of the United Nations Framework Convention on Climate Change, and its related Protocol(s).

Management of working environment and dangerous materials and processes

76.-(1) The Minister may, in consultation with relevant Ministries, prescribe measures for the improvement of the working environment.

(2) The Minister may, by regulations prescribe any description of process of substance to be dangerous process the carrying on of which or the release from it of dangerous materials into the environment, is subject to control under this Act.

(3) Regulations made by the Minister pursuant to subsection (2) may-

(a) prescribe separately for each environmental medium, the substances the release of which into that medium shall be subject to control;
(b) provide that a description of substance is only prescribed for any environmental medium so far as it is released into that medium in such amounts over such periods in such concentrations or in such other circumstances as may be specified in the regulations; and
(c) prescribe conditions of authorization and matters implied in the authorization of application of the process and release of substances into the environment.

Powers of the Minister to make regulation on persistent organic pollutants

77.-(1) For the purpose of eliminating releases of persistent organic pollutant:

(a) each sector Ministry shall take the legal and administrative measures necessary to reduce or eliminate releases of intentionally produced persistent organic pollutants in its production, use, import and export in accordance with the provisions of the Stockholm Convention;
(b) the Director of Environment in consultation with respective sector Ministries may establish a list of chemicals for which the Government shall request specific exemption under the Convention; and
(c) each sector Ministry shall take measures to reduce the total releases derived from anthropogenic sources of unintentionally produced persistent organic pollutants.

(2) The Minister shall by regulation in the *Gazette*, prescribe persistent organic pollutants which shall not be used.

(3) The Director of Environment shall prepare and oversee a national implementation plan for the Stockholm Convention as provided in the Convention.

(4) All relevant sector Ministries and local government authorities shall mainstream respective parts of the National Implementation Plan and into their policies, legislation, plans and programmes and submit annual reports to the Minister on progress made in implementation of the National Implementation Plan.

(5) Without prejudice to any applicable written law, the Minister shall have the power to make regulations prescribing the following matters pertaining to persistent organic pollutants-

(a) compliance with international obligations on persistent organic pollutants and pesticides issues;
(b) compliance with the Stockholm Convention on Persistent Organic Pollutants of 2001;
(c) raising of awareness of sustainable alternative approaches in the replacement of persistent organic pollutants;
(d) carrying out of inventory of stocks of persistent organic pollutants;
(e) disposal of existing stocks of persistent organic pollutants;
(f) involvement of industry particularly with reference to sharing the costs for disposal and taking responsibility of disposal of persistent organic pollutants;
(g) promotion of appropriate pesticide and chemicals management practices;
(h) preparation of appropriate data-base system for better knowledge of problems of stocks;
(i) regulate imports and exports of persistent organic pollutants;
(j) proper packages as basic requirements to avoid leakage and contamination of the environment both during transportation and storage;
(k) safe transportation of toxic waste or dangerous chemicals, obsolete stocks or related chemicals as a way of protecting the environment and human health;
(l) compliance with international agreements on movement and harmonisation of transportation of hazardous materials;
(m) designing the best way to strengthen national capabilities and capacities for the management of chemicals, including transfer of technology, providing financial and technical assistance and promoting cooperation with other states;

(n) regulating the import and use of chemicals the use of which has been prohibited, or refused approval or has been withdrawn under any written law in order to protect human health or the environment;

(o) designation of severely hazardous pesticide formulations, severely restricted chemicals in Tanzania;

(p) environmental safety aspects of liquid gas pipelines, natural gas pipelines, and the transportation of designated dangerous materials;

(q) compensations, clean-ups and emergency response to hazardous substances released into the environment and clean-up of inactive hazardous waste disposal sites;

(r) national, city, municipal, town and village contingency plans in case of release of hazardous substances into the environment;

(s) emergency planning, notification, reporting and training requirements; and

(t) contingency plans in case of major industrial accidents, control of hazardous fires, explosives and hazardous toxic emissions.

Prior informed consent procedures for certain hazardous chemicals and pesticides

78.-(1) The Minister may, in relation to management of Prior Informed Consent (PIC) chemicals, designate an institution which shall have the duty to:

(a) recommend new entries of PIC chemicals of interest to Tanzania;

(b) take adequate legal and administrative measures to prevent or minimize adverse effects of PIC chemicals to human health, life and the environment;

(c) conduct research on alternatives of PIC chemicals;

(d) internalize procedures in import and export of PIC chemicals;

(e) promote awareness on PIC chemicals and their effects to human health, life and the environment;

(f) undertake risk assessment of PIC chemicals and build capacity in risk management;

(g) carry on any other activities in accordance with obligations of the Rotterdam Convention in their geographical areas of jurisdiction; and

(h) submit an annual implementation report of the Rotterdam Convention of 1998 in their geographical areas of jurisdiction.

(2) The Minister shall, in consultation with the Ministries responsible for agriculture and for health, make regulations and guidelines on import, export, transportation and disposal of stocks of PIC chemicals and their wastes.

Promotion of cleaner production and sustainable consumption of goods and services

79.-(1) The Minister shall, in collaboration with other agencies, promote cleaner production technologies and techniques and foster sustainable consumption of goods and services.

(2) The Minister may prescribe guidelines relating to:

(a) handbook on cleaner production technologies and techniques and on sustainable consumption to guide industrial, tourism, trade, mining, agriculture and service oriented activities;
(b) monitoring of the impact of cleaner production;
(c) mainstreaming of cleaner production in financing procedures of the financial institutions in order to achieve sustainable financing mechanism of cleaner production initiatives; and
(d) mainstreaming of cleaner production and sustainable consumption approaches in relevant policies at Government and company level.

(d) Economic Instruments

Economic incentives and instruments for the protection of the environment

80.-(1) For purposes of minimising environmental damage, the Director of Environment shall periodically prepare proposals on packages of economic instruments and financial incentives and forward the same to the Minister.

(2) The Minister may, in consultation with the Minister responsible for finance, make regulations and rules on economic instruments thereby prescribing-

(a) how best to oblige individuals or firms when making decisions about production, consumption and investment, to consider the environmental consequences;
(b) measures to be adopted to internalise environmental costs without relying on the pricing mechanism;
(c) price-based measures, user charges and subsidies to internalize environmental costs and benefits;
(d) subsidies, tax deductions and rebates to be paid to advance environmental protection;

(e) special grants for particular programmes and projects, including environmental projects;

(f) encourage return of bottles, plastics and metals for recycling and proper disposal; and

(g) any other measure the Minister may impose on an economic instrument.

(3) The Minister may, on approval of the Minister responsible for finance, further prescribe the following incentives and financial measures for the protection of the environment-

(a) effluent charges, based on the content and quantity of discharges into the air, water, or sewerage system;

(b) user charge fee for using such natural resource and for others being provided with a service such as garbage collection;

(c) product charges, such as charges on plastic or bottle packaging that are used to discourage disposal of or encourage recycling; and

(d) sales and excise taxes that give environmentally friendly products a price advantage over polluting products.

(4) "Economic Instrument" as used in this Act means an instrument for environmental and natural resources management designed to influence behaviour of economic agents in order to ensure sustainable use and protection of biophysical resources, and includes fiscal instruments, charge systems, property rights, market creation, performance bonds and deposit refund systems, liability systems, provision of information and financial instruments.

PART VI
ENVIRONMENTAL IMPACT ASSESSMENT AND OTHER ASSESSMENTS

Obligation to undertake Environmental Impact Assessment

81.-(1) Any person, being a proponent or a developer of a project or undertaking of a type specified in the Third Schedule to this Act, to which Environmental Impact Assessment is required to be made by the law governing such project or undertaking or in the absence of such law, by regulations made by the Minister, shall undertake or cause to be undertaken, at his own cost, an environmental impact assessment study.

(2) An Environmental Impact Assessment study shall be carried out prior to the commencement or financing of a project or undertaking.

(3) A permit or licence for the carrying out of any project or undertaking in accordance with any written law shall not entitle the proponent or developer to undertake or to cause to be undertaken a project or activity without an environmental impact assessment certificate issued under this Act.

(4) Any person who contravenes subsection (3), commits an offence.

Environmental Impact Assessment regulations and guidelines

82.-(1) Subject to the provisions of subsection (2), the Minister shall make regulations and guidelines on how environmental impact assessment shall be conducted under this Act and under any other written law.

(2) Where the law requires Environmental Impact Assessment to be done in respect of any project or undertaking and the manner in which such Environmental Impact Assessment is to be done, then it shall not be necessary to apply standards stipulated in the regulations made under this Act unless the standard prescribed under such law does not meet minimum standards necessary for the conduct of such Environmental Impact Assessment.

Environmental Impact Assessment to be conducted by experts

83.-(1) Notwithstanding the provisions of subsection (2) of section 82, Environmental Impact Assessments shall be conducted by experts or firms of experts whose names and qualifications are registered as such by the Council.

(2) The Minister shall prescribe in the regulations qualifications of a person who may conduct Environmental Impact Assessment.

(3) The Council shall maintain a register of experts and firms of experts authorized to conduct Environmental Impact Assessment.

(4) The register of experts and firms of experts shall be maintained in a public registry and its entries may be searched by the public upon payment of a prescribed fee.

(5) A proponent of a project shall select experts amongst the persons possessing qualifications prescribed pursuant to the provisions of subsection (2), to conduct the Environmental Impact Assessment.

Issuance of certificate not a defence in legal proceedings

84.-(1) The issuance of an Environmental Impact Assessment certificate in respect of any project shall not be a defence in any legal proceedings brought against a proponent of a project or undertaking in respect of the manner in which the project or undertaking is being executed, managed or operated.

(2) The Environmental Impact Assessment certificate may be transferred from one holder to another in the event the project changes ownership and not otherwise and only so upon notification in writing to the Minister within thirty days of the transfer.

Determination of the scope of Environmental Impact Statement

85.-(1) Upon requiring an Environmental Impact Statement, the Council shall determine the scope of the Environmental Impact Statement by agreeing with the proponent on–

(a) the prescribed issues that must be addressed by the Environmental Impact Statement;
(b) persons and institutions that must be consulted during the preparation of the Environmental Impact Statement;
(c) methodologies and approaches in the collecting, collating and analyzing the required data; and
(d) any other matter determining the scope of the Environmental Impact Statement.

(2) The Environmental Impact Statements shall be kept and maintained by the Council in a public registry and their contents, may be searched upon payment of a prescribed fee.

Environmental Impact Statement

86.-(1) The Council shall, upon examination of a project brief, require the proponent of a project or undertaking to carry out an Environmental Impact Assessment study and prepare an Environmental Impact Statement.

(2) The Environmental Impact Statement prepared under subsection (1) shall be submitted to the Council for review.

(3) The Environmental Impact Statement shall be prepared in accordance with regulations made by the Minister.

Review of Environmental Impact Statement

87.-(1) The Council shall, within sixty days following submission of Environmental Impact Statement carry out its review.

(2) The Council may, for purposes of carrying out reviews under subsection (1), set up a cross-sectoral technical advisory committee to advise it on reviews of Environmental Impact Statement.

(3) The proponent shall comply with requests for additional information necessary to enable the Council to complete the review and shall do so within the time specified in the request.

(4) The information requested by the Council for purposes of the Environmental Impact Statement review may include but not limited to site and design maps, project documents, reports or materials, technical details, sectoral advice and any other matters it may deem necessary.

Inspection visit for purpose of Environmental Impact Statement review

88.-(1) The Council may, during the review process, visit for purposes of inspection or verification any site or place associated with the proposed project or undertaking at the proponent's cost.

(2) The Environmental Impact Statement review process shall be based on the following criteria:

(a) the balance between short and long term socio-economic benefits of the project and the detriment to the human and physical environment;
(b) the nature of the project or undertaking and how it is likely to meet environmental standards;
(c) the possible mitigation alternatives or other remedial measures;
(d) comments received during public hearings and other consultative processes under this Part; and
(e) any other review criteria as prescribed in the regulations.

Public participation in Environmental Impact Assessment

89.-(1) Without prejudice to Part XIV, the Council shall adopt guidelines on public participation, especially those likely to be affected by the project being the subject of an Environmental Impact Assessment study or review.

(2) Without prejudice to subsection (1), upon receipt of the Environmental Impact Statement, the Council shall-

(a) circulate it for written comments from various institutions and government agencies;
(b) notify the public by any appropriate means of the place and time for reviewing the Environmental Impact Statement and submitting written comments in a prescribed manner; and
(c) solicit oral or written comments by any appropriate means, of the people who will be affected.

Public hearing and information disclosure

90.-(1) Notwithstanding the provisions of section 87 of this Act and other provisions of this Act, the review of the Environmental Impact Statement shall be conducted, *inter alia,* through public hearings.

(2) The Council shall within thirty days of receipt of an Environmental Impact Statement decide whether or not to convene a public hearing for purposes of collecting submissions or comments on the proposed project or undertaking.

(3) Where the Council decides or is requested to convene a public hearing, it shall display and make available for inspection and copying all relevant reports, documents and written submissions made during and after the period of review until the public hearing is finalized.

Recommendations on Environmental Impact Statement by the Council

91. Upon completion of the review of the Environmental Impact Statement, the Council shall submit recommendations to the Minister.

Approval or disapproval of Environmental Impact Statement by the Minister

92.-(1) The Minister may, within thirty days, upon receipt of recommendations of the Council–
(a) approve the Environmental Impact Statement and issue an Environmental Impact Assessment Certificate; or
(b) disapprove the Environmental Impact Statement; or
(c) approve an Environmental Impact Statement subject to such conditions as he may determine and issue an Environmental Impact Assessment Certificate.

(2) Where the Minister disapproves an Environmental Impact Statement, he shall–

(a) notify the proponent in writing stating reasons for disapproval; or

(b) recommend to the licencing authority that the activity should not be licenced.

Cancellation of licence upon disapproval of Environmental Impact Assessment

93. The Minister shall disapprove and recommend to the licensing authority that the project should not be licenced or, where the licence has been issued, be cancelled if-

(a) the project or undertaking is likely to cause significant adverse impact on the environment;

(b) there are no alternatives which can mitigate or remedy the significant likely harm to the environment;

(c) the proponent has failed to abide to the mitigation measures stated in the Environmental Impact Statement or conditions issued by the Minister; or

(d) there are compelling social, economic, health, cultural, or religious reasons which may or are likely to lead to irreversible impact on the society.

Delegation of powers to approve Environmental Impact Assessment

94. The Minister may, by an instrument published in the *Gazette*, delegate power of approval of Environmental Impact Statement to the Director of Environment, local government authorities or sector Ministries.

Appeal against decision of the Minister on EIA

95. Any person who is aggrieved by the decision of the Minister to approve or disapprove an Environmental Impact Statement may appeal to the Environmental Appeals Tribunal.

Maintenance of records of decisions on Environmental Impact Assessment

96.-(1) The Director-General shall maintain records of decisions on approvals or disapprovals of Environmental Impact Statement.

(2) The record referred under subsection (1) shall be kept in a public registry and be accessible to the public upon payment of a prescribed fee.

Requirement of fresh Environmental Impact Assessment study

97. The Council may, at any time after the issuance of an Environmental Impact Assessment Certificate, require the holder of such certificate to conduct a fresh Environmental Impact Assessment study at his own cost and submit an Environmental Impact Statement within such time as the Council may prescribe if–

(a) there is substantial change or modification in the project or undertaking or in the manner in which the project is being operated ;

(b) the project or undertaking poses environmental threats which could not be reasonably foreseen at the time of the study or review; or

(c) in due course it is established that the information or data given by the proponent or undertaking in previous Environmental Impact Assessment process was inaccurate, false or intended to mislead the Council.

Offence for contraventing EIA

98. Any person who fails or neglects to comply with the directions of the Council issued under section 97 commits an offence.

Environmental monitoring

99.-(1) The Council shall, in consultation with the relevant sector Ministry or government agency, monitor-

(a) all environmental criteria and phenomena with a view to making an assessment of any possible changes in the environment and their possible impacts; and

(b) the operation of any project or undertaking with a view to determining its immediate and long term effects on the environment.

(2) An environmental inspector or any other authorized officer may, upon giving due notice, enter upon any land or premises for the purposes of monitoring the effects upon the environment of any activities carried out on that land or premises.

Monitoring compliance with Environmental Impact Statement

100.-(1) Where the results of monitoring indicate non-compliance with the Environmental Impact Assessment, the holder of the Environmental Impact Assessment Certificate may be required–

(a) to take all reasonable measures to mitigate the impact of such non compliance and report such measures to the Council; or

(b) to pay a fine imposed by way of administrative measure by the Council for such non compliance.

(2) The Council may recommend to the Minister for revocation of an Environmental Impact Assessment Certificate if the results of an additional monitoring indicate persistent non-compliance with the conditions stipulated in the Environmental Impact Assessment Certificate and the Council may institute proceedings in a court of law for damages for any injury that may have occurred as a result of such non-compliance.

Environmental audit

101.-(1) The Council shall be responsible for carrying out an environmental audit in respect of any project or undertaking that is likely to have significant impact on the environment.

(2) An environmental inspector or any other authorized officer may, upon giving due notice, enter into any land or premises for purposes of determining how far the activities carried out on that land or premises conform with the Environmental Impact Statement.

(3) Notwithstanding the provisions of subsections (1) and (2) the proponent or operator of a project or undertaking for which an Environmental Impact Statement has been made shall keep accurate records and make annual reports to the Council describing how far the project conforms in operation with the statements made in the Environmental Impact Statement.

(4) The proponent or the operator of a project or undertaking shall take all reasonable measures to mitigate any undesirable effects not previously anticipated in the Environmental Impact Statement and shall prepare, for submission to the Council, a comprehensive report of those measures, on an annual basis or as the Council may, in writing, direct.

Undertaking of safe decommissioning and site rehabilitation

102.-(1) Upon expiry of a project or undertaking stipulated under the Second Schedule to this Act, the proponent or operator shall, at his own cost undertake safe decommissioning, site rehabilitation and ecosystem restoration before the closure of the project or undertaking.

(2) The Director of Environment shall not discharge an environmental performance bond deposited under section 227 of this Act until the holder fulfils the conditions stipulated under subsection (1).

Other assessments

103. Notwithstanding the preceding provisions of this Part, the Minister may require any person whose activities are likely to have an impact on the environment to make a statement on the social, health, biotechnological or any other risk impact assessment he may determine.

PART VII
STRATEGIC ENVIRONMENTAL ASSESSMENT

Strategic environmental assessment of Bills, regulations, policies, strategies, programmes and plans

104.-(1) It shall be a requirement when preparing a Bill for enactment of any law that is likely to have effect on-

(a) the management, conservation and enhancement of the environment; or

(b) sustainable management of natural resources,

to conduct and submit to the Minister a detailed statement regarding Strategic Environmental Assessment of the effect likely to be caused on the environment in the implementation of the provisions of that law.

(2) Without prejudice to subsection (1), when promulgating regulations, public policies, programmes and development plans shall include a Strategic Environmental Assessment Statement on the likely effects of such regulations, public policies, programmes or development plans may have on the environment.

(3) Every Strategic Environmental Assessment Statement made under this section shall include-

(a) a full description of a policy, Bill, legislation, strategy, programme, plan and the objectives it intends to achieve;

(b) an identification, description and assessment of the positive and adverse effects that implementation of the proposed policy Bills, strategy, programme, plan or legislation is likely to have on the environment and to the sustainable management of natural resources;

(c) an identification, description and assessment of likely effects of alternative means to achieve the objectives of the policy, Bill, legislation, strategy, programme and plan;

(d) an identification, description and assessment of a range of practicable measures that could be taken to avoid, mitigate or remedy any adverse effect that may occur as a result of the implementation of the policy, Bill, legislation, strategy, programme, or plan; and

(e) any other information that the Minister may by regulations prescribe.

(4) Where a person responsible for the Bill, regulation, public policy, strategy, programme, or plan, does not require a Strategic Environmental Assessment under this section, he shall submit a draft of the relevant document to the Minister who shall, as soon as practicable, determine whether or not an assessment is required and shall furnish his decision and the reasons for it.

(5) Upon receipt of the strategic environmental assessment report, the Minister shall direct the Director of Environment to review the policy, Bill, legislation, strategy, programme or plan and furnish his opinion to the Minister who shall thereafter give his opinion to the person concerned.

(6) A person to whom the Minister has given opinion shall be required to comply with recommendations made and shall be required to submit a fresh report to him indicating:

(a) the revisions that have been made to the original document in order to promote environmental management and the sustainable management of natural resources or to avoid, mitigate or remedy any adverse effects which implementation of the original legislation, policy, programme or plan, may have had;

(b) any other measures that have to be taken to avoid, mitigate or remedy any adverse effects on the environment and when these were or will be taken, and if any measures recommended by the assessment report have or will not be taken, the reasons for not doing so; and

(c) a revised version of the policy, Bill, legislation, strategy, programme or plan.

(7) Where the Minister is of the opinion that the environmental concerns raised during the strategic environmental assessment process are not adequately addressed by the revised Bill, regulation, policy, strategy, programme or plan, and that additional cost-effective measures to avoid or mitigate against these adverse effects should be taken, he shall within thirty days of receipt of the documents referred to in subsection (5), lodge an objection with the person concerned with a view to reaching agreement on the amendments to be made to the revised policy, Bill, legislation, strategy, programme or plan in order to give effect to the purpose and principles of this Act.

(8) Where, upon direction by the Minister, the Director of Environment and the person concerned are unable to reach agreement on the amendments to be made to the revised policy, Bill, legislation, strategy, programme or plan on the measures to be taken, the Director of Environment or the person concerned may lodge a notice of objection to the Minister.

(9) The Minister may, upon receipt of the notice of objection, order the documents referred to in subsection (6) to be subjected to public review or to a public hearing before making a final determination.

Strategic environmental assessment for mineral, petroleum, hydro-electric power and major water project plans

105.-(1) Where a mineral or petroleum resource is identified and before specific details are planned or a hydro-electric power station is planned or a major water project is planned, the Ministry responsible for mining, energy or water shall carry out a Strategic Environmental Assessment.

(2) The Strategic Environmental Assessment provided for under sub-section (1), shall assess the area marked for development including the following–

(a) baseline environmental conditions and status of natural resources;
(b) identification of ecologically sensitive and protected areas;
(c) identification and description of communities around the area;
(d) existing socio-economic conditions;
(e) existing economic activities and infrastructure;
(f) proposed developments, including long term scenarios and the cumulative development of a number of different mine or oil and gas site or hydro-electric power stations;

(g) infrastructure and resources required to service these development;

(h) potential environmental and social impacts of mining or petroleum development or hydro-electric power or any major water projects; and

(i) recommendations for land reclamation and limitations on development in different areas.

(3) The Minister shall direct the Director of Environment to review the strategic environmental assessment statement and prepare a report on adequacy or inadequacy of the statement and areas which need to be improved and make recommendations to the Minister accordingly.

(4) The Director of Environment shall submit a review report to the Minister for approval.

(5) On receipt of recommendations, the Minister shall approve the report and make recommendations to the Ministry responsible for mining, energy or water regarding the best way environment can be preserved within the context of the project that is to be undertaken.

(6) The Ministry responsible for mining, energy or water project shall be required to comply with recommendations made by the Minister.

PART VIII
POLLUTION PREVENTION AND CONTROL

General prohibition of pollution

106.-(1) It shall be an offence for any person to pollute or permit any other person to pollute the environment in violation of any standards prescribed under this Act or any other written law regulating a segment of the environment.

(2) In determining whether or not to issue a licence, permit or other authorization to discharge contaminant, and the terms and conditions of the licence, permit or authorization, the Council or any other person empowered to make the decision shall seek to ensure that the prescribed best practicable option is adopted.

(3) For purposes of this section, "the best practicable option," in relation to the discharge of a contaminant or an emission of noise, means the best method for preventing or minimizing adverse effects on human health, life or the environment.

(4) No person shall emit any pollutants which cause air pollution in contravention of standards prescribed or that may be prescribed under this Act.

(5) No person shall emit or cause to be emitted noise in excess of standards prescribed or that may be prescribed in relation to emission of noise.

(6) It shall be an offence for any person to discharge contaminants or to emit noise without taking into account practicable measures prescribed in the regulations that may be made by the Minister.

Powers of the Minister to make regulations to prevent and control pollution

107. The Minister may, in consultation with the Minister responsible for local government authorities, make further regulations–

(a) preventing and controlling any specified activities that result in adverse effects on the environment;

(b) requiring any person to monitor discharges of contaminants and to keep records of the results of the monitoring;

(c) creating systems of integrated pollution prevention and control;

(d) imposing substantive and procedural requirements on persons issuing licences and permits under this Act or regulations;

(e) establishing requirements, standards and guidelines for preventing and controlling discharges or emission into the environment and for activities and the operation of facilities which may cause discharges or emissions into the environment;

(f) requiring persons applying for discharge licences to pay for the administrative costs of dealing with such applications, including the reasonable costs of obtaining expert assistance in dealing with the applications;

(g) classifying discharges, emissions, disposal, facilities, mobile and stationery sources of pollution and dangerous goods;

(h) classifying any new hazardous substances, toxic substances, potentially toxic substances, environmentally harmful substances and other types of controlled substances;

(i) preventing, prohibiting and regulating by such other methods as by licensing, guidelines, imports, exports, manufacture, transportation, handling, sale, possession, use, storage, or disposal of any class of controlled substance or substance or product containing a controlled substance;

(j) incorporate into domestic regulations latest developments on international environmental laws and practices;

(k) requiring monitoring of discharges of contaminants into the environment in areas surrounding the discharges;

(l) establishing standards in relation to the manufacture, distribution, sale or offering for sale of products the manufacture, use or disposal of which may have resulted or may result in the discharge of a contaminant into the environment;

(m) in respect of motor vehicles-

(i) requiring, regulating and prohibiting the installation, maintenance and use of equipment and devices;

(ii) establishing mandatory emission standards and testing programmes;

(iii) prohibiting the use of any motor vehicle that fails to comply with an emission standard; and

(iv) prohibiting or regulating the use of motor vehicles in certain lanes of designated roads or in certain parts of urban areas;

(n) requiring, regulating and restricting the use of notices, marks and labels on products, packaging and containers;

(o) prohibiting or regulating in certain areas, on certain days of the year, or both, the carrying out and manner of carrying out of activities that may result in the discharge of a contaminant; and

(p) requesting any person to provide information relevant to the control or prevention of discharge of a contaminant or an emission of noise.

Integrated pollution prevention and control

108. The Council may, in order to achieve integrated pollution prevention and control, prescribe appropriate guidelines on the best methods for preventing or minimizing adverse effects on the environment having regard to such matters as:–

(a) the nature of the discharge or emission and the sensitivity of receiving environment to the adverse effects;

(b) the financial implications, and the effect on the environment of an option when compared with other options; and

(c) the current state of technical knowledge and the likelihood that the option can be successfully applied.

Prohibition of water pollution

109.-(1) Any person who knowingly puts or permits to be put or to fall or to be carried into any stream, so as either singly or in combination with other similar acts of the same nature or interfere with its due flow or pollute its waters, or puts solid refuse of any manufactory or manufacturing process, or puts any rubbish or any other waste or any putrid solid matter into such stream, commits an offence.

(2) Any person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, noxious or polluting liquid proceeding from any factory or manufacturing process, commits an offence.

Prohibition to discharge hazardous substances, chemicals, materials, oil etc.

110.-(1) No person shall discharge any hazardous substance, chemical, oil or mixture containing oil in any waters or any other segment of the environment except in accordance with guidelines prescribed under this Act or any other written law.

(2) A person who discharges any hazardous substance, chemical, oil or mixture containing oil in any waters or any other segment of the environment, commits an offence.

(3) Apart from the general punishment provided for under this Act, the person convicted of an offence under this section may be ordered by the court-

(a) to pay the cost of removal, including any costs which may be incurred by the Government or Government agency in the restoration of the environment damaged or destroyed as a result of the discharge; and

(b) to pay the cost of third parties in the form of reparation, restoration, restitution or the compensation as may be determined by the court.

(4) It shall be the duty of every organization and individual producing, transporting, trading, using, storing or disposing of chemicals, oil, toxic substances, inflammable or explosive substances, to comply with regulations prescribed by the Minister on safety for human and other living beings and avoid causing environmental degradation.

(5) Without prejudice to any other applicable written law, the Minister may, in consultation with an appropriate authority stipulate in the regulations a list of toxic, inflammable or explosives substances which are the subject of prohibition under this Act.

(6) For purposes of regulating the production, storage or transportation of listed toxic, inflammable or explosive substances subject of prohibition under subsection (5), the Minister may require owners or operators of production, storage or transportation thereof to mitigate the impact of their activities by-

(a) giving immediate notice of the discharge, to the Council and other relevant sector Ministries;
(b) immediately commencing clean-up operations using the best available clean-up methods;
(c) complying with such directions as the Council may prescribe.

(7) The Council may seize the production, storage and transporting facility or motor vehicle or vessel until such time the owner or operator takes mitigating measures.

(8) The Council shall seek an order of the court for the disposal of production, storage, transporting facility, motor vehicle or vessel if the owner or operator fails, within prescribed reasonable time, to take mitigating measures.

(9) Without prejudice to any other written law, the Council shall ensure that-

(a) location, design, construction and operation of plants in the atomic energy;
(b) industries, production, transportation, utilization and storage of radioactive materials;
(c) disposal of radioactive wastes; and
(d) organizations, individuals making use of machinery, equipment, materials with harmful electro-magnetic radiation or ionizing radiation,

complies with the provisions of any law or regulations that may be prescribed for environmental protection, regular check and Environmental Impact Assessment of their facilities and report periodically to the Council.

Duty to keep abreast with techno-logical changes

111.-(1) It shall be the duty of the Council in collaboration with any other organ to closely follow developments in technology and techniques for preventing or reducing pollution of the environment due to releases of substances from prescribed processes.

(2) Any person carrying out activity impacting on the environment shall be required to follow a directive that may be issued by the Council on adaptation of any such developments in technology and techniques to prevent or reduce pollution of the environment.

Duty to disclose information to prevent pollution

112.-(1) For purposes of facilitating pollution prevention and control measures, the Minister may prescribe rules obliging submission of information to either the Council or any designated person, by:

(a) a person who owns or operates an irrigation project scheme, sewerage system, industrial production plant, industrial wastes treatment plant, solid waste disposal site or facility, trading and storage facility for petroleum products, workshop or any other undertaking which discharges or is likely to discharge effluents or other pollutants into the environment; or

(b) any other institution or organ which is required by any other written law to take measures to prevent pollution within areas to which it has administrative control or any other institution or organ that may be identified from time to time.

Act No. 21 of 2003

(2) The provisions of subsection (1) shall not derogate powers of the Minister responsible for shipping to make regulation for prevention of marine pollution pursuant to the provisions of Part XIX of the Merchant Shipping Act, 2003.

(3) Any person who contravenes the requirement to furnish information to the Council or any designated person, commits an offence.

Prohibition notices on prescribed process or activity

113.-(1) Where the Council is of the opinion that the carrying on of a prescribed activity or process or the continuing carrying on of any process or activity in a particular manner involves an imminent risk of serious pollution of the environment, the Council may serve a prohibition notice on the person carrying on the process or activity.

(2) A prohibition notice issued under subsection (1) shall-

(a) specify the environmental risk involved in the activity or process;

(b) specify the steps that may be taken to the process or activity to remove it and the period within which such steps shall be taken;

(c) direct that the authorization shall, until the notice is withdrawn partly or wholly to the extent specified in the notice ceases, to have effect to authorize the carrying on of the process or activity; and

(d) where, it applies only to a part of the process or activity, it impose conditions to be observed in carrying on that other process or activity which is authorized to be carried on.

PART IX
WASTE MANAGEMENT

(a) Management of Solid Waste

Duty of local government to manage and minimize solid waste

114.-(1) For the purposes of ensuring minimization of the solid waste in their respective geographical areas of jurisdiction, local government authorities shall prescribe:

(a) for different types or kinds of waste or refuse or garbage to be separated at the source;
(b) for standards to guide the type, size, shape, colour and other specifications for refuse containers used; and
(c) for mechanisms to be put in place to involve the private sector and Non-Governmental Organisations on planning, raising awareness among producers, vendors, transporters, manufacturers and others on the need to have appropriate containers and enhance separation of waste at source.

(2) The local government authorities shall, with respect to their respective geographical areas of jurisdiction:–

(a) cause to be conducted appropriate Environmental Impact Assessment for all new major activities leading to proper management of solid waste;
(b) manage solid waste generated in accordance with sustainable plans produced by respective local government authority; and
(d) ensure the appropriate sorting of waste is made right at the source and in accordance with standards or specifications prescribed by the local government authority concerned.

(3) For the purposes of making decisions on suitability of any specific method of collection, treatment or disposal of solid waste, local government authorities shall undertake studies within their respective geographical areas of jurisdiction with a view to instil knowledge of the rate of local solid waste generation and its composition.

Disposal of solid waste from markets, business areas and institutions

115.-(1) Each local government authority shall undertake periodic studies to determine the type of solid wastes generated from markets, business areas and institutions and determine appropriate methods for sorting, storage or disposal of waste.

(2) In the determination of the appropriate storage or disposal for solid waste generated by different types of markets, business centres or areas and institutions within their respective areas, local government authorities shall ensure that the solid waste is classified and appropriately stored depending on whether it is organic waste, plastics, glass or metals.

(3) The Minister may prescribe national classifications of solid waste which local government authorities may adopt for their respective geographical areas of jurisdictions.

(4) For the purposes of this section, "institution" includes schools, offices, hospitals, police, army barracks, religious buildings, camps, convents and any other organization or entity which the Minister may declare to be an institution for the purposes of solid waste management.

Storage of solid waste from industries

116.-(1) The local government authorities shall ensure that industries located within their geographical respective areas of jurisdiction provide adequate space and facilities for managing all solid waste generated from such industries before they are collected for disposal at designated places.

(2) The local government authorities shall ensure that refuse bays or areas set aside by industries for the collection of solid waste are clean and protected from flies, animals and scavengers.

(3) The Minister shall, after consultation with the Ministers responsible for industries, land, health and the local government authorities prescribe rules on solid wastes to be complied with by various categories of industries.

Solid waste collection in urban and rural areas

117. The local government authorities shall, with respect to urban and rural areas, prescribe:

(a) the best ways possible for the collection of various classifications of solid waste from generation sources and shall on its own or with any commercial or private sector arrange ways to recover the cost incurred in collection of the solid waste; and

(b) appropriate equipment, time and routes for solid waste collection.

118.-(1) The local government authorities may designate transfer stations to serve as collection centres of solid wastes to serve cities, or municipalities, or towns or other areas where large amounts of solid waste are generated.

Waste transfer stations

(2) Before a local government authority designates an area to be a waste transfer station for the purposes of collection of solid waste it shall:–

(a) carry out social, health and environmental impact assessment;
(b) ensure that the selected area is adequate in size and situated away from residential area;
(c) ensure regular removal of solid waste to avoid any possible nuisance; and
(d) ensure the area is fenced off and secured to prevent unauthorized persons from entering.

119. The local government authorities shall, in choosing the best method of solid waste disposal for their geographical areas of jurisdiction, consider the following matters:–

Final disposal of solid waste

(a) climatic conditions;
(b) economic ability;
(c) interest of the community;
(d) environmental, hygienic and social benefits; and
(e) availability of tipping sites.

(b) Management of Litter

120. For the purposes of sections 121 and 122, unless the context otherwise requires -

Interpretation with regards to management of litter

"public land" means land entrusted to the President as trustee and includes general land or privately occupied land;

"deposit", in relation to litter; include-

(a) cast, place, throw or drop litter;
(a) allow litter to be cast, thrown, dropped, or to escape, from any conveyance;

"litter" includes any refuse, rubbish, animal remains, glass, metal, plastics, garbage, debris, dirt, filth, urine, rubble, ballasts, stones, earth, sewage, or waste matter, or any other thing of a like nature;

"private land" means every place other than a public place;
"public place"-

(a) includes the following:–
(i) every road, street, private street, footpath, access way, storm water drain, service lane, court, mall, thoroughfare, wharf and airport to which the public generally has access, whether with or without payment of any fee, and includes any national park or reserve;
(ii) any park, garden or other place of public recreation to which the public has access, whether with or without payment of any fee;
(iii) any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of fee;
(iv) any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes;
(v) every wharf, pier or jetty to which the public has access;
(vi) any airport;
(vi) any general land vested in or controlled by the President being land that is not occupied pursuant to any lease, licence, or other authority by any private person;
(viii) any other place whether public or private in the open air to which the public has access, whether with or without payment of any fee; but

(b) excludes any site designated or approved for the disposal of waste pursuant to this or any other Act, or any receptacle installed in a public place.

Control of litter in public places

121.-(1) Every person who has a public place under that person's control or management shall at all times provide and maintain in that place, where litter is likely to be deposited, such number of litter receptacles of suitable construction and design for the temporary deposit of litter as may reasonably be necessary to keep that place free from litter.

(2) Where litter generated on or attributable to any particular premises is likely to be carried from or to otherwise escape from those premises onto a public place, an Environment Inspector may require the occupier of the premises to take all reasonable steps to prevent such litter being carried to or escaping onto the public place.

(3) Where it is shown that, excessive litter is attributable to or emanates from any particular premises, an Environment Inspector may require the occupier of the premises to provide and maintain such number of litter receptacles of suitable construction or design in any public place adjacent to or within the vicinity of the land or premises for the temporary deposit of litter, as may reasonably be necessary to ensure that the public place be kept free of that litter.

(4) Where any occupier fails to comply within a reasonable time with a requirement of an Environment Inspector made under subsection(2) or (3), the officer may take any reasonable steps to remedy that default and shall recover the cost of so doing from the occupier as a debt due to the service.

(5) Every person to whom this section applies shall also make appropriate provision for emptying the contents of litter receptacles provided within the public places under that person's control or management, and for the removal and disposal of those contents promptly, efficiently and at regular intervals.

Occupiers of private land to clear litter

122.-(1) An Environment Inspector may serve on the occupier of any private land or any land vested in or controlled by any person, a notice in writing requiring the occupier, to the satisfaction of the Inspector to-

(a) clear away, or remove, from the land;

(b) clean up; or

(c) screen, cover, or otherwise obscure from view,

such litter as may be specified in the notice, within such time as may be so specified.

(c) Management of Liquid Waste

On site disposal of liquid waste

123.-(1) The local government authorities may prescribe and issue guidelines on how liquid waste from domestic and commercial premises is to be treated and finally disposed of both within the site and outside the premises.

(2) Without prejudice to subsection (1), the Minister may prescribe specific guidelines to be followed by local government authorities or sewerage authorities in their disposal of general or specific types of liquid wastes.

Transportation and disposal of liquid waste

124. The local government authorities shall, with respect to their areas of jurisdictions prescribe, issue guidelines and standards on how sewage from cesspool and sludge from septic tanks is to be collected and transported by specified vehicles for disposal.

Treatment of liquid waste

125. The local government authorities shall ensure that sewage is appropriately treated before it is finally discharged into water bodies or open land, and that it does not increase the risk of infections or ecological disturbance and environmental degradation.

Liquid waste disposal

126. The local government authorities shall designate and ensure compliance with designated disposal ponds, sewage treatment facilities and sewer points.

Control and monitoring of sewerage system

127. Upon completion of construction of a sewerage system, local government authorities shall facilitate the carrying out of initial and subsequent periodic tests to ascertain that the effluent meant for final disposal meets the standards as may be prescribed by the Minister.

Industrial liquid waste

128. The Minister shall make regulations prescribing the best method for the treatment of hazardous and non hazardous liquid wastes from industries.

Storm water management

129.-(1) Every local government authority shall, within its area of jurisdiction, build or prepare storm water drains.

(2) The storm water drains shall remain clean for the purposes for which they have been made.

(3) The Minister may make rules providing for:–

(a) standard gradient for storm water drains to prevent water stagnation;

(b) the periodic cleaning of storm water drains to remove deposits; and

(c) covered storm water drains, inspection covers and appropriate trap chambers for inspection and removal of deposits.

(d) Management of Gaseous Waste

Gaseous wastes from dwelling houses

130. The local government authorities shall ensure that all habitable buildings–

(a) have adequate openings to provide through or cross ventilation;

(b) provide adequate means of smoke escape in kitchen and other indoor places as may be appropriate; and

(c) do not provide for cooking in dwelling houses or use of animal dung as fuel in confined unventilated dwellings.

Control of industrial gaseous waste

131.-(1) The local government authorities shall, taking into consideration of the wind direction and environmental impact assessment recommendations, ensure that industries producing gas emissions are located far away from residential areas.

(2) Each local government authority shall prescribe rules, procedures and penalties governing:

(a) regularity of checks of the machinery to ensure that they function efficiently and do not produce gas emissions; and

(b) specifications of chimneys and gas controlling devices to be fitted to factories and industries.

Gaseous and particulate wastes from vehicles

132.-(1) The local government authorities shall prescribe rules specifying emission of carbon monoxide, hydrocarbons, other noxious emissions and standards for exhaust emissions applicable in areas of jurisdiction of a local government authority concerned.

(2) Where national standards have been prescribed, the local government authorities shall adopt the national exhaust emissions standards.

(e) Management of Hazardous Waste

Importation of hazardous waste

133.-(1) It shall be an offence to import into or export from Tanzania, hazardous waste without a permit granted by the Minister.

(2) Where hazardous waste is to be exported from Tanzania it shall be necessary for a person intending to export such waste to obtain a written permit issued by a competent authority of the receiving country.

(3) No person shall transport hazardous waste within or through Tanzania without a permit granted by the Minister.

(4) The Minister may make regulations prescribing the following:-

(a) best possible ways to manage various types of hazardous wastes and appropriate penalties to any contravention;

(b) responsibility and liability of person involved in any generation, transportation, export and disposal of hazardous wastes;

(c) notification procedures in transportation and disposal of hazardous wastes;

(d) any reporting requirement in implementation of international conventions on hazardous waste and in cases of incidents that may have potential to cause damage to human health, living beings and the environment;

(e) licensed disposal facilities for hazardous wastes;

(f) responsibility and liability of person or group of persons that have caused contamination of the environmental ecosystem or owners of such sites;

(g) criteria for classification of sites contaminates with hazardous wastes; and

(h) clean up sites contaminated with hazardous waste.

(5) The Minister may prescribe criteria for the classification of hazardous wastes with regard to determining their-

(a) hazardous nature;

(b) corrosive nature;

(c) carcinogenic nature;

(d) flammable nature;

(e) persistent nature;

(f) toxic nature;

(g) explosive nature; and

(h) radioactive nature.

Duty of local government authority in relation to hazardous waste

134.-(1) Each local government authority shall, with respect to its area of jurisdiction, ensure that–

(a) standards prescribed for the hazardous waste management are in place and operational at all the time;

(b) premises producing hazardous wastes are adequately ventilated and are in compliance with prescribed standards;

(c) waste effluents are treated or are so modified as to comply with prescribed standards before final disposal; and

(d) hazardous liquid wastes are treated to conform with prescribed environmental standards at factory or on site before their discharge into public sewers or municipal oxidation ponds or in an open land or into receiving water bodies.

(2) Any standards and guidelines set by the local government for the purposes of this Act, shall conform to standards set under this Act.

Movement of hazardous waste

135.-(1) The Minister shall ensure that, any movement of hazardous waste within and through Tanzania shall be conducted in a manner that prevents or minimizes adverse effects to human health and the environment and shall conform to movement procedures as may be prescribed in the Regulations.

(2) Any generator of hazardous waste shall take measures to minimize the generation of such waste.

(3) Any generator of hazardous waste shall be responsible for its disposal and shall be liable for any damage to human health, living beings and the environment.

Environmental Impact Assessment for hazardous waste

136.-(1) Subject to the provisions of subsection (2), disposal of any hazardous wastes shall be done in an environmentally sound manner.

(2) Environmental Impact Assessment shall be carried out before hazardous waste is disposed of into soil, land, air or body of water.

Final disposal of health care wastes

137.-(1) The Minister shall, in collaboration with the Minister responsible for health, ensure that health care wastes are sorted and stored in prescribed coded containers and transported in refuse trucks designed and registered for that purpose.

(2) The Minister shall in collaboration with the Minister responsible for health, prescribe the best possible method for final disposal of various types of health care wastes.

(3) In this section, "health care wastes" includes but not limited to the infectious wastes, pathological wastes, sharps, pharmaceutical, genetoxic, radioactive wastes, coagulated blood wastes and drugs.

Disposal of other wastes

138. The Minister shall, in collaboration with other sector Ministries and other authorities, prescribe the best possible methods for handling and for disposal of:

(a) veterinary wastes arising from abattoirs;
(b) veterinary drugs;
(c) waste emanating from agricultural activities;
(d) agro-chemical wastes;
(e) chemical wastes; and
(f) any other type of waste as the Minister may determine.

General powers of local government authorities to minimize waste

139.-(1) Without prejudice to the powers of the local government authority granted under any written law in relation to management of waste, each local government authority shall have all powers necessary for purposes of preventing or minimizing solid, liquid, gaseous and hazardous waste.

(2) For the purpose of waste management, the Minister may advise the Minister responsible for local government authorities to direct or assign any person powers vested in the local government authority which has failed to meet its obligation or to exercise such power in relation to any matter which is prescribed under this Part.

(3) Without prejudice to the provisions of subsection (2), the Minister may, in a fitting case, direct or assign to any person powers vested in the local government authority which has failed to meet its obligation or to exercise such powers in relation to any matter which is prescribed pursuant to the provisions of this Part.

PART X
ENVIRONMENTAL QUALITY STANDARDS

Formulation and approval of environmental quality standards Act No 3 of 1975

140.-(1) The National Environmental Standards Committee of the Tanzania Bureau of Standards established under the Tanzania Bureau of Standards Act, 1975 shall develop, review and submit to the Minister proposal for environmental standards and criteria in relation to –

(a) water quality;
(b) discharge of effluent into water;
(c) air quality;
(d) control of noise and vibration pollution;

(e) sub-sonic vibrations;
(f) soil quality;
(g) control of noxious smells;
(h) light pollution;
(i) electromagnetic waves and microwaves; and
(j) any other environmental quality standard.

(2) The National Environmental Standards Committee shall cause the standards to be published in the *Gazette* and in at least two daily newspapers one of which shall be in Kiswahili and one in English language with a view to invite comments to be made in writing on the proposed standards within such period as may be prescribed.

(3) Upon approval of environmental quality standards and criteria the Minister shall publish them in the *Gazette*.

Compliance with standards, etc

141. Every person undertaking any activity shall be required to comply with environmental quality standards and criteria.

Enforcement of environmental quality standards

142.-(1) In enforcing environmental quality standards and criteria the Council may –

(a) order or carry out investigations of actual or suspected environmental pollution including the collection of samples, records and data;
(b) upon reasonable notice served on the occupier enter, inspect and examine any place, area, premise or any vehicle, vessel, boat, aircraft or any carriage of any description on which it has reasonable grounds to believe that the activity is or is likely to lead to violation of environmental standards;
(c) take necessary measures to ensure that industry and other facilities adopt cleaner technology to meet the requirements of standards established under this Act;
(d) monitor emission concentration and nature of pollutants emitted;
(e) make guidelines to minimize greenhouse gases and other emissions and identify suitable technologies for minimization of air pollution; or
(f) do or perform anything or act that is necessary for the monitoring and control of environmental pollution.

(2) Subject to the provisions of any other law, any person who permits or causes to permit pollution or emission in excess of environmental quality standards and criteria stipulated pursuant to this Act, commits an offence.

(3) The Council shall maintain close collaboration with local government authorities, Public Health Department, Occupational Health and Safety Agency, Tanzania Bureau of Standards, Tanzania Atomic Agency, Chief Government Chemist Laboratory Agency, Tanzania Food and Drugs Authority and such other institutions for the purposes of enforcement of environmental quality standards.

Water quality standards

143. The National Environmental Standards Committee shall–

(a) prescribe criteria and procedure for measuring standards for water quality;

(b) establish the minimum quality standards for all waters of Tanzania;

(c) establish minimum quality standards for different uses of water including:

(i) drinking water;

(ii) water for agricultural purposes;

(iii) water for recreational purposes;

(iv) water for fisheries and wildlife;

(v) water for industry;

(vi) water for environment; and

(vii) water for any other purposes.

Standards for discharge of effluent into water

144. The National Environmental Standards Committee shall–

(a) establish standards for the discharge of any effluent into the waters of Tanzania;

(b) establish measures for the treatment of effluent before their final discharge into sewage systems; and

(c) prescribe requirements for the operator of any plant or undertaking to undertake such works as it considers necessary for the treatment of effluent before it is finally discharged into water.

Air quality standards

145. The National Environmental Standards Committee shall:

(a) prescribe criteria and procedure for measurement for air quality;

(b) establish ambient air quality standards;

(c) establish occupational air quality standards;

(d) establish emission standards for various sources;

(e) prescribe criteria and guidelines for air pollution control for both mobile and stationary sources; and

(f) any other air emission quality standards.

146. The National Environmental Standards Committee shall–

Standards for the control of noxious smells

(a) prescribe procedures for the measurement and determination of noxious smells;

(b) set minimum standards for the control of pollution of the environment by noxious smells; and

(c) prescribe guidelines for measurements and the abatement of noxious smells, whether from human activities or natural phenomenon.

147. The National Environmental Standards Committee shall–

Standards for the control of noise and vibration pollution

(a) prescribe procedures for the measurement and determination of noise and vibrations standards;

(b) set minimum standards for emissions of noise and vibrations pollution into the environment;

(c) establish criteria and procedures for the measurement of noise and vibration pollution into the environment from existing and future sources;

(d) prescribe guidelines for the abatement of unreasonable noise or vibration pollution emitted to the environment;

(e) establish noise levels and noise emission standards applicable to construction sites, plants , machinery, motor vehicles, aircrafts, including sonic booms, industrial and commercial activities;

(f) establish appropriate measures to ensure the abatement and control of noise from sources referred to in paragraph (e); and

(g) measure the levels of noise emanating from sources referred to in paragraph (e).

148. The National Environmental Standards Committee shall-

Standards for sub-sonic vibrations

(a) prescribe procedures for the measurement and determination for emission of sub-sonic vibrations standards;

(b) set minimum standards for emissions of sub-sonic vibrations into the environment from existing and future sources;

(c) establish criteria and procedures for the measurement of sub-sonic vibrations; and

(d) issue guidelines for the minimization of sub-sonic vibrations referred to in paragraph (b).

Standards for minimization of radiation

149. The National Environmental Standards Committee shall–

(a) establish standards for the minimization of ionizing and other radiation in the environment;

(b) establish criteria and procedures for the measurement of ionizing and other radiation;

(c) provide information aimed at warning and protecting the public and the environment against actual or potential exposure to radioactive material or ionizing radiation and prescribe safe practices to protect persons involved in activities prone to radiation exposure; and

(d) do all things necessary for the monitoring and control of pollution from radiation.

Soil quality standards

150. The National Environmental Standards Committee shall–

(a) establish criteria and procedures for the measurement and determination of the quality of soil;

(b) set minimum standards for the management of the quality of soil;

(c) prescribe guidelines for the disposal of any waste in the soil, the optimal utilization of any soil, identification of the various soils and practices that are necessary in order to conserve soil and prohibition of activities that may degrade the soil; and

(d) do any other thing necessary for the monitoring and control of soil degradation.

PART XI

ENVIRONMENTAL RESTORATION, EASEMENTS AND CONSERVATION ORDERS

(a) Restoration Orders

Environmental restoration order

151.-(1) Subject to any other provisions in this Act, the Council may issue, on any person in respect to any matter relating to the management of the environment, an order known as environmental restoration order.

(2) An environmental restoration order shall be issued to–

(a) require the person on whom it relates to restore the environment as near as it may be to a state in which it was before the taking of the action which is the subject of the order;

(b) prevent the person on whom it relates from taking any action which would or is reasonably likely to cause harm to the environment;

(c) award compensation to be paid by the person on whom it relates or to other persons whose environment or livelihood has been harmed by the action which is the subject matter of the order; and

(d) levy a charge on the person on whom it relates which, in the opinion of the Council, represents a reasonable estimate of the costs of any action taken by an authorized person or organization to restore the environment to a state in which it was before the taking of the action which is the subject matter of the order.

(3) An environmental restoration order may contain such terms and conditions and may impose such obligations on the persons on whom it relates as may, enable the order to achieve all or any of the purposes set under subsection (2).

(4) Without prejudice to the general effect of the purposes set out in subsection (3), an environmental restoration order may require a person on whom it relates to-

(a) take such action as shall prevent the commencement or continuation or cause of pollution;

(b) restore land, including the replacement of soil, replanting of trees and other flora and the restoration as far as may be, of outstanding geological, archaeological or historical features of the land or the area contiguous to the land or sea as may be specified in the order;

(c) take such action to prevent the commencement or continuation or cause of environmental hazard;
(d) cease to take any action which is causing or may contribute to pollution or an environmental hazard;
(e) remove or alleviate any injury to land or the environment or to the amenities of the area;
(f) prevent damage to the land or the environment, aquifers beneath the land and flora and fauna in, on or under or above the land or sea specified in the order or land or the environment contiguous to the land or sea specified in the order;
(g) remove any waste or refuse deposited on the land or sea specified in the order and dispose of the same in accordance with the provisions of the order; and
(h) pay any compensation specified in the order.

(5) In exercising the powers under this section, the Council shall-
(a) be guided by the principles of good environmental management in accordance with the provisions of this Act; and
(b) explain to the persons against whom the order relates the right of appeal to specified appellate organs.

Contents of environmental restoration order

152.- (1) An environmental restoration order shall specify clearly and in a manner, which may be easily understood-
(a) activity to which it relates;
(b) person or persons to whom it is addressed;
(c) time at which it comes into effect;
(d) action which must be taken to remedy the harm to the environment and the time, being not more than thirty days or such further period as may be prescribed in the order, within which the action must be taken;
(e) powers of the Council to enter any land and undertake the action specified in paragraph (d);
(f) penalties which may be imposed if the action specified in paragraph (d) is not undertaken; and
(g) right of the person served with an environmental restoration order to appeal to any prescribed tribunal or organ against that order, except where the order is issued by a court of competent jurisdiction, in which case the right of appeal shall lie to superior courts.

(2) An Environmental Inspector may inspect or cause to be inspected any activity in order to determine whether that activity is harmful to the environment and may take into account the evidence obtained from that inspection in any decision on whether or not to serve an environmental restoration order.

153. Where the Council reasonably suspects that harm has been or is likely to be caused to the environment by any person's activity, it may serve on that person an order requiring that person to take action within thirty days of the service of the order, to remedy or prevent the harm on the environment as may be specified in the order.

Service of environmental restoration order

154. The Council may seek and take into account any technical, professional and scientific advice which it considers to be desirable for a satisfactory decision to be made on an environmental restoration order.

Advice before issuing environmental restoration order

155.-(1) An environmental restoration order shall continue to apply to an activity in respect of which it was issued notwithstanding that it has initially been complied with.

Duration of environmental restoration order

(2) A person served with an environmental restoration order shall, subject to the provisions of this Act, comply with all the terms and conditions of the order.

(b) Easements Orders

156.- (1) The object of an environmental easement shall be to further the principles of environmental management set out in this Act by facilitating the conservation and enhancement of the environment through the imposition of one or more obligations in respect of the use of that land.

Environmental easements and conservation order

(2) Notwithstanding the nature of easements that may be created in accordance with the provisions of Part XI of the Land Act, 1999, a court may, on an application made under this Part, grant an environmental easement or an environmental conservation order subject to the provisions of this Act.

Act No. 4 of 1999

(3) The Council may recommend to the Minister for the creation of an easement for the purposes of environmental protection.

(4) Where the Minister is satisfied that, the recommendation of the Council is workable, he shall recommend to the Minister responsible for land for purposes of the creation of right of way in accordance with Sub-Part 3 of Part XI of the Land Act, 1999.

Act No. 4 of 1999

(5) An instrument or a court order creating an easement for environmental protection shall clearly specify-

(a) the nature of the easement and any conditions, limitations, and restrictions subject to which it is granted;
(b) the period of time for which it is granted;
(c) the land or particular part of it which is burdened by the easement;
(d) the land benefited by the easement; and
(e) a plan sufficient to define such easement.

(6) An environmental easement may be imposed on and shall thereafter attach to the burdened land in perpetuity or for a term of years or for an equivalent interest under customary law as the court may determine.

(7) Notwithstanding the provisions of any written law, easements created for the purposes of environmental protection shall, unless rescinded earlier by court order, subsist beyond the tenure of the right of occupancy or lease.

Application for environmental easements

157.-(1) Any person or a group of persons may make an application to the court for the grant of one or more environmental easements.

(2) The Court may impose such conditions on the grant of an environmental easement as it considers to be best suited to advance the object of an environmental easement.

Enforcement of environmental easements

158.-(1) Proceedings to enforce an environmental easement may be commenced only by the person in whose name the environmental easement has been issued.

(2) Proceedings in relation to environmental easement may request the court to-

(a) grant an environmental restoration order; or
(b) grant any remedy available under the law relating to easements in respect of land.

(3) The court may adjust, so far as it deems necessary, procedures relating to the enforcement of the requirements of an environmental easement.

Registration of environmental easements

159.-(1) Where an environmental easement is imposed on land, the title of which is registered under any written law, the environmental easement shall be registered in accordance with the law prescribing that system of registration of easements.

(2) In addition to any matter, which may be required by any written law generally prescribing registration of easements, registration of environmental easements shall include–

(a) the name of the applicant for the environmental easement as the person in whose name the environmental easement is registered;
(b) the nature of the easement and any conditions, limitations, and restrictions subject to which it is granted;
(c) the period of time for which it is granted;
(d) the land, or particular part of it which is burdened by the easement;
(e) the land benefited by the easement; and
(f) the plan sufficient to define the easement.

Compensation for environmental easements

160.(1) Any person who has a legal interest in the land, which is subject of an environmental easement, shall, in accordance with this Act, be entitled to compensation commensurate with the lost value of the land.

(2) Compensation to any value of the land referred to under subsection (1) shall be made in accordance with the provisions of the Land Acquisition Act, 1967 and the Land Act, 1999.

Act No. 43 of 1967
Act No. 4 of 1999

(c) Conservation Orders

Imposition of environmental conservation order

161. For the purpose of environmental management where the need arise for the creation of easement on a burdened land, the authority to which that land is subject may request the Minister to issue environmental conservation order so as to-

(a) preserve flora and fauna;
(b) preserve the quality and flow of water in a dam, lake, river or aquifer;
(c) preserve any outstanding geological, physiographical, ecological, archaeological, or historical features of the burdened land;
(d) preserve scenic view;
(e) preserve open space;
(f) permit persons to walk in a defined path across the burdened land;
(g) preserve the natural contours and features of the burdened land;

(h) prevent or restrict the scope of any activity on the burdened land which has its object in mining and working of minerals or aggregates;

(i) prevent or restrict the scope of any agricultural activity on the burdened land;

(j) create and maintain works on burdened land so as to limit or prevent harm to the environment; or

(k) create or maintain migration corridors for wildlife.

PART XII

ANALYSIS AND RECORDS

Designation of laboratories for analysis and taking of samples

162. The Council shall by order published in the *Gazette*, designate:–

(a) the Chief Government Chemist Laboratory;

(b) any of the accredited laboratories of public universities;

(c) accredited public laboratories established under or in pursuance of any written law; and

(d) any accredited private laboratories,

to be laboratories which may, among other things, be used for analytical and reference for purposes of this Act.

Designation of analysts and reference analysts

163.-(1) An order designating laboratories for purposes of analysis may also designate Analysts or Reference Analysts from amongst the persons affiliated or working within the designated laboratories.

(2) An order designating any laboratories for purposes of this Act shall state specific environmental functions of the laboratories, local limits or subject matter that the laboratory shall serve and the persons appointed as analysts in respect of that laboratory.

Certificate of analysis and its effect

164.-(1) A laboratory that has been designated as an analytical or Reference Laboratory under this Act shall issue a Certificate of Analysis of any substance submitted to it pursuant to this Act.

(2) A certificate of Analysis shall state the methods of analysis followed and shall be signed by the analyst or reference analyst, as the case may be.

(3) When made in accordance with this section, a certificate issued by the Analyst or Reference Analyst shall be sufficient evidence of the facts stated in the certificate for all purposes of this Act.

(4) The results of any analysis made by the laboratory shall be open for inspection by all interested parties upon payment of a prescribed fee.

165. The Council shall, by notice published in the *Gazette*, prescribe-

Record keeping of matters impacting on the environment

(a) the activities impacting on the environment for which records shall be kept for the purposes of this Act;
(b) contents of such records and the manner in which they shall be kept and made available; and
(c) availability at reasonable costs of records so kept for environmental audit, environmental monitoring and evaluation, pollution control, inspection and for any other purposes that may be prescribed.

Annual submission of records

166.-(1) Records kept in pursuance of section 159 shall be submitted annually to the Council.

(2) The Council shall keep and maintain all such records submitted to it in a manner that maintains the confidentiality of the records.

Disclosure of analytical results

167. Subject to the needs of confidentiality as circumstances may require and any fees which may be prescribed, any person may have access to any records submitted to the Council under this Act.

Environmental responsibilities of the Government Chemist Act No. 3 of 2003

168. The Ministerial Advisory Board of the Government Chemist Laboratory Agency shall keep the Council updated on any advice it receives from the Industrial and Consumer Chemicals Management and Control Technical Committee established under the Industrial Consumer (Management and Control) Act 2003, on all matters likely to adversely affect the environment.

Prescribing mode of cooperation on chemical pollutants

169. The Minister may, after consultation with Ministers responsible for health, industry, agriculture, science and technology, make rules prescribing the mode of cooperation between Council, and organs established under the Industrial and Consumer Chemicals (Management and Control) Act, 2003, in relation to:

(a) the laboratories designated as fit to issue certificates of analysis of substances;
(b) the Ministerial Advisory Board; and
(c) the Emergency Response Committees established under section 8 of Industrial and Consumer Chemicals (Management and Control) Act, 2003.

Requirement to keep the Council informed

Act No. 3 of 2003

170.-(1) The following institutions shall keep the Council updated on matters relating to their respective functions which have or may have great impact on the environment:

(a) the Tanzania Pesticides Research Institute;
(b) the Tanzania Atomic Energy Commission;
(c) the Tanzania Food, Drugs and Cosmetics Authority;
(d) the Occupational Health and Safety Authority; and
(e) the Veterinary Council of Tanzania.

(2) Without prejudice to the provisions of subsection (1), matters to which the Council shall require a report are:–

(a) premises registered for purposes of Industrial and Consumer Chemicals (Management and Control) Act, 2003;
(b) records of all chemicals produced, imported, exported, sold, dealt in, stored or used by each of the institutions referred in subsection (1);
(c) records of orders banning, restricting or otherwise eliminating the chemicals which are ordinarily used by each of the institutions referred to in subsection (1);
(d) in relation to institutions referred to in subsection (1) –
  (i) distribution of inspectors and analysts;
  (ii) labelling and packaging;
  (iii) disposals of wastes; and
  (iv) decommissioning of plants.

Environmental records on mining activities Act No. 5 of 1998

171.-(1) Without prejudice to the exercise of his powers under the Mining Act, 1998, the Commissioner for Minerals through Sector Environment Coordinator responsible for mining shall forward to the Council as public records, copies of the following documents relating to the environment-

(a) environmental matters contained in any development agreements that are required to be made between the Government and the holder of a mineral right or an applicant for a mineral right;
(b) environmental studies and assessments made by appropriate experts or consultants which are required to accompany applications for retention licences showing any impact on the environment and the manner the applicant proposes to prevent, eliminate or minimise any adverse effects on the environment;

(c) any such terms and conditions on protection and preservation of the environment which may be implied into mineral retention licences or mineral development agreements;

(d) such environmental management plans, or proposals for prevention of pollution, or plans for treatment of waste, or plans for reclamation of land and water resources, or plans for minimising the adverse effects on the environment resulting from mining operations, that may be prepared by applicants for special mining licences;

(e) environmental impact assessments on any proposed mining operations commissioned by the applicants for special mining licences to the Minister responsible for minerals;

(f) environmental management plans appended to the special mining licences; and

(g) environmental management plans in respect of mining operations prepared by applicants seeking to renew special mining licences and any such refusal to renew on account of impact on the environment.

(2) Director of the Environment may give general or specific directive in consultation with the Commissioner for Minerals to Sector Environment Coordinator responsible for mining on any matter pertaining to the implementation of provisions on environmental management falling under the Mining Act, 1998.

(3) The Council shall keep and maintain copies constituting records received under this section as public records accessible to the public upon payment of a prescribed fee.

PART XIII
ENVIRONMENTAL INFORMATION, EDUCATION AND RESEARCH

Freedom of access to environmental information

172.-(1) Every citizen of Tanzania shall, subject to the provisions of subsection (2) and regulations made by the Minister, have freedom of access to publicly held information relating to the implementation of this Act and to the state of the environment and actual and future threats to the environment, including any emissions to water, air or land as well as the disposal and storage of hazardous waste.

(2) A request for information made pursuant to subsection (1) may be refused-

(a) if information to be sought would involve supply of unfinished documents or data or internal communications, or where the request is manifestly unreasonable or formulated in too general manner;
(b) if the public order or national security would be affected by supply of the information sought;
(c) for the reasonable protection of trade or industrial secrets;
(d) if the request is too vague or uncertain to enable identification of the information sought; or
(e) if the organ on which the request is made is unaware of the existence of the information sought.

(3) In the event of a request for information being refused, the body so refusing shall be obliged to furnish written reasons for the refusal.

(4) The Director of Environment and the Director General shall have access to information relating to the implementation of this Act and to the state of the environment and to the actual and future threats to the environment including any emissions to water, air or land as well as the disposal and storage of hazardous waste necessary to enable them to carry out their respective duties in terms of the provisions of this Act or any other written law relating to the protection of the environment and the utilisation of natural resources.

(5) It shall be an offence to refuse to give information requested by the Director of Environment or the Director General for the purposes of performance of their respective functions or the exercise of their powers under this Act.

Powers of the Council to collect, analyse and disseminate environmental information

173. The Council shall-
(a) gather information on the environment and natural resources on the existing data;
(b) subject to any other written law, have access to any data collection on the environment and natural resources;
(c) analyse information relating to the environment and natural resources;
(d) disseminate information to public and private users;
(e) commission studies in demographic and trends impacting on environmental and development issues;
(f) carry out public information and education campaigns in the field of environment;

(g) exchange information relating to environment with Non-Governmental Organisations or any other regional and international organisations;

(h) co-ordinate the management of environmental information with Sector Ministries;

(i) advise the Minister on existing information gaps and needs; or

(j) establish in consultation with Sector Ministries, guidelines and principles for the gathering, processing and dissemination of environmental information.

Central Environmental Information System

174. The Council shall establish and operate a Central Environmental Information System which may bring together any findings, data and statistics generated by both public and private institutions in the course of environmental observation and management.

State of the Environment Report

175.-(1) The Director of Environment shall in every two years, publish a report on the state of the environment and environment management which shall also be tabled before the National Assembly.

(2) The Director of Environment may publish any other information he considers necessary for public education on the environment and other environmental issues.

Environmental education and awareness

176.-(1) The Director of Environment shall, in consultation with the relevant Sector Ministries, take appropriate measures for the integration of environment matters in schools, colleges and institutions of higher learning.

(2) The Director of Environment shall plan and conduct programmes aimed at raising awareness of the people on sustainable development and environmental management.

Environmental research

177.-(1) The Council shall conduct surveys on the state of the environment and may research and make forecast on environmental changes and other studies that may contribute to the formulation of policies and preparation of action plans and strategies with regard to environmental conservation and management.

(2) Notwithstanding the provisions of subsection (1), the Minister may designate any institution as an advisory body charged with responsibility of enhancement of targeted scientific research, information generation in the field of environment, monitoring and assessment of effectiveness of actions taken.

PART XIV

PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION MAKING

Public participation in environmental decision making

178.-(1) The public shall have the right to be timely informed of the intention of public authorities to make executive or legislative decisions affecting the environment and of available opportunities to participate in such decisions.

(2) The public shall have the right to participate in decisions concerning the design of environmental policies, strategies, plans and programmes and to participate in the preparation of laws and regulations relating to the environment.

(3) Information relating to decisions affecting the environment may be made available to the public before the date on which the decision is to be made.

(4) Public involvement in environmental decision-making shall be made through–

(a) early and accessible notice of the intention to make the decision, such as, formulation of policies, plans and programmes relating to the environment;
(b) indication of opportunities for the public to present oral and written comments on proposed policies, plans and programmes; and
(c) access to environmental information subject to this Act or any other written law.

(5) The Council and other relevant authorities shall establish mechanisms to collect and respond to public comments, concerns and questions related to the environment including–

(a) public debates and hearings; and
(b) environmental information, registries and complaints desks in all public institutions.

PART XV
INTERNATIONAL AGREEMENTS

179.-(1) Where, the United Republic is a party to an international or regional agreement concerning the management of the environment, the Minister shall, in consultation with the relevant sector Ministry-

(a) initiate and prepare legislative proposals for consideration by the relevant Ministry for purposes of implementing those agreements; and

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

International Agreements on Environment

(2) Where a Sector Ministry is involved in negotiation of an international agreement on matters relating to protection and management of environment, the Sector Minister concerned shall, prior to submission for ratification by the National Assembly, communicate to the Minister on the substance of the agreement with a view to assess the likely impact on the environment.

(3) The Minister shall create mechanism to work closely with international and regional communities to contribute towards peaceful, healthier and better global environment for the present and future generation.

(4) The Director of Environment shall keep a register of all international agreements concerning the management of the environment to which the United Republic is a party.

180.-(1) The Minister may, in consultation with relevant Ministries, initiate discussion with relevant authorities of neighbouring countries on environmental management programmes and measures to avoid and minimize such transboundary environmental impacts.

Transboundary environmental management programmes

(2) The Director of Environment shall, in cooperation with sector Ministries or government agencies, initiate and implement transboundary environmental management programmes with neighbouring countries.

181. Without prejudice to the preceding provisions of this Part, the Director of Environment may establish a national office or national focal point of implementation of international agreements on environment.

Establishment of national offices and focal points

PART XVI
COMPLIANCE AND ENFORCEMENT

Appointment and designation of environmental inspectors

182.-(1) There shall be appointed, by the Minister, environmental inspectors among the employees of the Council.

(2) The Minister may designate in writing any employee of local government authorities, ministries or any other public institution either by name or office, to be an environmental inspector for the purpose of this Act.

(3) The Director of Public Prosecutions may designate an environmental officer to be a public prosecutor upon recommendation of the Minister.

Powers of environmental inspectors

183.-(1) The environmental inspector appointed or designated as such may, with or without a warrant, at any reasonable time and with any necessary assistance-

(a) enter into or upon any building, vehicle, aircraft, vessel, land, waters, or other place, other than place actually or habitually used as a dwelling house;

(b) stop any vehicle or vessel that he reasonably believes as
  (i) being operated in contravention of this Act; and
  (ii) discharging or has discharged a contaminant in contravention of this Act;

(c) take samples;

(d) take photographs and videos;

(e) record or copy any information by any method;

(f) require the production of any document, record or other thing that is required to be kept under this Act, and any other document that is related to the purposes of the inspection and remove it for the purpose of making copies or extracts, provided that nothing shall be removed without providing a receipt;

(g) inspect, seize and take copies of any documents which may constitute evidence of the commission of an offence under this Act;

(h) make reasonable inquiries of any person, orally or in writing;

(i) seize any vessel, vehicle, aircraft or equipment that the inspector has reasonable grounds to believe has been used in the commission of an offence under this Act; and

(j) order removal of any waste or other substance or thing deposited or discharged in contravention of this Act.

(2) An environmental inspector acting under subsection (1) shall, upon demand of any occupant, show the inspector's identification card and shall explain the purpose of inspection.

(3) Any person who is asked by an environmental inspector taking action under subsection (1) to do any thing that is necessary in order to enable the environmental inspector to carry out that action, shall immediately comply with the request.

Offences relating to environmental impact assessment

184. Any person who-

(a) fails to submit a project brief contrary to the provisions of section 86 (1);

(b) fails to prepare an Environmental Impact Assessment report as required under any provision of this Act; or

(c) fraudulently makes a false statement on an environmental impact assessment report submitted under this Act,

commits an offence and is liable on conviction to a fine of not less than five hundred thound shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years but not exceeding seven years or to both.

Offences relating to records

185. Any person who-

(a) fails to keep records of the activities, products, by- products, and wastes required to be kept by this Act; or

(b) fraudulently alters any records required by this Act,

commits an offence and is liable on conviction to a fine of not less than five hundred thousand shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years but not exceeding seven years or to both.

Offences relating to environmental standards

186. Any person who-

(a) contravenes any environmental standards or guidelines for which no other penalty is specifically provided for; or

(b) contravenes a measure prescribed under this Act for which no other penalty is specifically provided,

commits an offence and is liable on conviction to a fine of not less than two million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years but not exceeding seven years or to both.

Offences relating to pollution

187.-(1) Any person who-

(a) discharges any dangerous materials, substances, oil, oil mixtures into land, water, air, or aquatic environment contrary to the provisions of this Act;

(b) pollutes the environment contrary to the provisions of this Act; or

(c) discharges any pollutant into the environment contrary to the provisions of this Act,

commits an offence and is liable on conviction to a fine of not less than three million shillings but not exceeding fifty million shillings or to imprisonment for a term not exceeding twelve years, or to both.

(2) In addition to any sentence that the court may impose upon a person convicted pursuant to the provisions of subsection (1), the court may direct that person to-

(a) pay the full cost of cleaning up the polluted environment and of removing the pollution; or

(b) clean up the polluted environment and remove the effects of pollution to the satisfaction of the Council.

(3) Without prejudice to the provisions of subsections (1) and (2), the court may direct the polluter to meet the cost of injury or effect of the pollution to any third parties through adequate compensation, restoration or restitution.

Offences relating to biological diversity

188. A person who-

(a) trades;

(b) possesses; or

(c) disturbs the habitat,

of a component of biological diversity in contravention of guidelines and measures prescribed under sections 66, 67 and 68 or other provisions of this Act, commits, an offence and shall be liable on conviction to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years or to both.

Offences relating to environmental restoration, easement and conservation orders

189. Any person who-

(a) fails, neglects or refuses to comply with an environmental restoration order made under this Act;

(b) fails, neglects or refuses to comply with an environmental easement, issued under this Act; and

(c) fails, neglects or refuses to comply with an environmental conservation order made under this Act,

commits an offence and shall on conviction be liable to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years, or to both.

Offences relating to litter

190.-(1) Every person commits an offence who, without reasonable excuse or lawful justification-

(a) deposits any litter in or on any public place; or
(b) deposits any litter in or on any private land without the consent of its occupier; or
(c) deposits any litter in or on any private land in the ownership or possession of a person who does not reside in Tanzania, whether or not that person consents to it;
(d) deposits any inorganic litter in or on any land other than land designated or approved for the disposal of waste,
(e) having deposited any litter (whether inadvertently or otherwise) in or on any public place, or in or on any private land without the consent of its occupier, leaves the litter there after having been requested by an environment inspector to remove it; or
(f) refuses or fails to comply with the provisions of section 121,or
(g) refuses or fails to comply with a requirement made under section 122, or
(h) refuses or fails to comply with a notice issued under section 122 or refuses or fails to comply with a decision of the permitting authority under that section,

and on conviction shall be liable, in the case of an individual, to a fine not exceeding one million shillings and in the case of a body corporate, to a fine not exceeding five million shillings .

(2) Where any person is convicted of an offence against this section, the court shall in addition to imposing a penalty, order the offender, under the supervision and to the satisfaction of a person nominated by the court, to clear up and remove the deposited litter within such period and to such place as may be specified in the order, and on the making of any such order, the court shall further order that if the offender fails to comply with the order he is liable in addition to any other penalty imposed, to a fine not exceeding five hundred thousand shillings.

(3) Where the court convicts a person of an offence against this section, the court may, if it thinks fit, in addition to imposing of penalty, order the offender to pay by way of compensation to the public authority having the control or management of the public place or as the case may be, the occupier of the private land where the offence was committed, such sum as it considers reasonable to cover the cost of the removal of the litter, and the amount so awarded shall be deemed to be a judgment debt due to the authority or occupier from the offender, and may be enforced in any manner in which a judgment or order of the court for the payment of a civil debt may be enforced.

General penalty

191. Any person, who commits an offence against any provision of this Act for which no other penalty is specifically provided for shall, on conviction be liable to a fine of not less than fifty thousand shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than three months but not exceeding seven years or to both.

Civil liability

192.-(1) A conviction for an offence committed under this Act, shall not exonerate any person or body corporate from any civil proceeding which may be instituted under this Act.

(2) No person shall be deemed to have committed an offence by virtue of subsection (1) if that person proves that the offence was committed without his knowledge or connivance and that he exercised all due care and diligence to prevent the commission of the offence having regard to all the circumstances.

Forfeiture, cancellation, community service and other orders

193.-(1) The court, before which a person is charged with an offence against this Act or any regulations made under this Act, may direct that, in addition to any other order–

(a) upon the conviction of the accused; or
(b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of the offence,

order that the substances, equipment and appliances used in the commission of the offence be forfeited to the Government and, be or disposed of in the manner as the court may determine.

(2) In making an order under subsection (1), the court may also order that the cost of disposing of the substances, equipment and appliances referred to in subsection (1), be borne by the accused.

(3) The court may further order that any licence, permit or other authorization given under this Act and to which the offence relates be cancelled.

(4) In addition to any fine imposed upon by the court, the court may order the accused person to do community work, which promotes the protection of the environment.

(5) Without prejudice to the generality of this section, the court may also issue an environmental restoration order against the accused in accordances with this Act, regulations, guidelines or standards made under this Act.

Compounding of offences

194.-(1) The Director General, or an environmental inspector may, subject to and in accordance with the provisions of this Act, if circumstances show that a person, corporate or unincorporated, has committed an offence against this Act in respect to which he has showed willingness to pay a fine, compound such offence by accepting from such person a sum of money together with an instrument, article, vehicle or any other thing, if any, in respect of which the offence has been committed.

(2) Subject to the provisions of this Act authorizing any measure that may be taken in addition to a fine that may otherwise be taken pursuant to an order of the tribunal or court, no further criminal or, as the case may be, civil proceedings shall be taken against a person in respect of whom powers to compound offence has been exercised.

Prevention order to protect the environment

195.-(1) Where the Council has reasonable grounds to believe that, a person is or will be conducting an activity, or is or will be in possession or control of a substance or thing that may result in an adverse effect on the environment or public health it may serve a prevention order on that person.

(2) A prevention order may require the person against whom it is made-

(a) to create a written emergency response plan that is adequate to reduce or eliminate the risk;

(b) to provide a copy of that plan to the Council;
(c) to have any necessary equipment, facilities and trained personnel available to deal with the risk;
(d) upon an identified event or set of circumstances occurring, to implement the plan; and
(e) to take whatever other measures which may be necessary to ensure that any emergency can be effectively responded to.

(3) Any person on whom a prevention order is served shall comply with the requirements of the order by the date or dates specified in the order and if no date is specified, that person shall comply with the order immediately.

(4) A person who contravenes sub-section (3), commits an offence and shall , on conviction, be liable to a fine of not more than one million shillings or to imprisonment for a term not exceeding one year and where that person fails to comply with a requirement specified in the prevention order within the time specified, that person shall be liable to a further fine not exceeding one hundred thousand shillings for every day or part of a day after the date specified in the order during which the offence continued.

(5) Any person on whom a prevention order has been served may apply to the Minister for a review in accordance with procedure that the Minister may prescribe.

Protection order against activities adverse on the environment

196.-(1) Where the Council has reasonable grounds to believe that an activity is resulting in or is likely to result in an adverse effect to the environment or public health, it may serve a protection order on –

(a) the owner, manager or person in control of the premises, vehicle, vessel, aircraft or equipment where the activity is occurring or will occur;
(b) any person who caused or permitted the activity.

(2) A protection order may require the person on whom it is served to take any measures that will assist in avoiding, remedying or mitigating the adverse effects and, without limitation to the generality of subsection (1), to take any measure to-

(a) stop the activity that is resulting in or is likely to result in, an adverse effect;
(b) control the activity;
(c) assess the actual or anticipated extent of the adverse effect;
(d) remedy an adverse effect caused by the activity; or
(e) to prevent a recurrence of the activity or the adverse effect.

(3) Any person on whom a protection order is served, shall comply with the requirements of the order by the date or dates specified in the order and if no date is specified, that person shall comply with the order immediately.

(4) A person who contravenes sub- section (3), commits an offence and shall, on conviction, be liable to a fine of not exceeding one million shillings or to imprisonment to a term not exceeding one year and where the person failed to comply with a requirement specified in the protection order within the time specified, to a further fine not exceeding one hundred thousand shillings for every day or part of a day after the date specified in the order during which the offence continued.

(5) Any person on whom a protection order has been served may apply to the Minister for a review in accordance with the procedure that the Minister may prescribe.

Emergency protection order

197.-(1) Any Environmental Inspector who observes the discharge of a contaminant into the environment in an amount, concentration or manner that constitutes a risk to human health or property or that causes or has the potential to cause adverse effects on the environment may serve an emergency protection order on-

(a) the owner, manager or person in control of the premises, vehicle, vessel, aircraft or equipment from which the discharge was or is being made;
(b) any person who, at the time when the discharge occurred, was the owner, manager of person in control of the premises, vehicle, vessel, aircraft or equipment from which the discharge was made; or
(c) any person who caused or permitted the discharge.

(2) An emergency protection order may require the person on whom it is served to take any measures that will assist in reducing or eliminating the risk or harm and without limitation to generality of the foregoing, to take any measures-

(a) to stop the discharge;
(b) to control the discharge;
(c) to clean up or remove the contaminant or other substance from any place; or
(d) to prevent a recurrence of the discharge.

(3) Any person on whom an emergency protection order is served shall comply with the requirements of the order by the date or dates specified in the order and if no date is specified that person shall comply with the order immediately.

(4) A person who contravenes subsection (3), commits an offence and shall, on conviction, be liable to a fine not exceeding ten million shillings or to imprisonment to a term not exceeding one year and if the person failed to comply with a requirement specified in the order within the time specified, that person shall be liable to a further fine not exceeding one hundred thousand shilling for every day or part of a day after the date specified in the order during which the offence continued.

(5) Any person on whom an emergency protection order has been served may apply to the Minister for a review in accordance with procedure that the Minister may prescribe.

Environmental compliance order

198.-(1) Where the Council has reason to believe that any condition of a licence issued in relation to the conduct of any activity has been breached, the Council may serve a compliance order on the licence holder requiring that person to remedy the breach within a reasonable period stipulated in the order failure of which the Council may require the competent authority issuing such licence to cancel such licence.

(2) The compliance order may-

(a) temporarily suspend the licence with immediate effect or otherwise as the Council may consider to be that this is necessary to prevent or mitigate an imminent risk of significant adverse effects to the environment or to human health occurring; and
(b) require the licence holder to take specified measures to prevent or abate any adverse effect.

(3) Where the licensee fails to comply with the compliance order, the Council may-

(a) take the necessary steps to remedy the breach and recover the cost from the licence holder;
(b) ask the relevant authority to alter the conditions of the licence; or
(c) cause revocation of the licence.

(4) Any person on whom a compliance order is served shall comply with the requirements of the order by the date or dates specified in the order and if no date is specified, the person shall comply with the order immediately.

(5) A person who contravenes sub-section (4), commits an offence and shall, on conviction, be liable to a fine not exceeding ten million shillings or to imprisonment to a term not exceeding one year and if the person failed to comply with a requirement specified in the order within the time specified, that person shall be liable to a further fine not exceeding one hundred thousand shilling for every day or part of a day after the date specified in the order during which the offence continued.

(6) Any person on whom a compliance order has been served may apply to the Minister for a review in accordance with procedure that the Minister may prescribe.

Cost order

199.-(1) Where any person fails to comply with any requirement in an order under this part, the Council may cause the required measures to be taken and may issue a cost order requiring that person to reimburse the Council for the cost of taking the measures.

(2) Any person to whom a cost order has been issued may, within thirty days of the order being served, apply to the Minister for a review of the order in accordance with procedure that the Minister may prescribe.

(3) Where no application for the review of a cost order is made within the period specified in sub-section (2), the order for cost may be enforced as if it were an order of court.

Offences in relation to environmental inspectors

200. It shall be an offence for any person who-

(a) hinders or obstructs an environmental inspector in the execution of his duties under this Act;

(b) fails to comply with a lawful order or requirements made by any environmental inspector in accordance with this Act;

(c) refuses an environmental inspector entry upon any land or into any premises which he is empowered to enter by this Act;

(d) impersonates an environmental inspector;

(e) refuses an environmental inspector access to records kept in accordance with this Act;

(f) fails to state or wrongly states his name or address to an environmental inspector in the course of his duties under this Act; or

(g) misleads or gives wrong information to an environmental inspector under this Act,

commits an offence and is liable on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

Liability of managers of bodies corporate

201.-(1) Where a body corporate commits an offence under this Act, every director or partner and any other person concerned in the management of that body corporate, commits the offence unless that person proves that-

(a) the offence was committed without his consent or connivance; and

(b) the person exercised all such diligence to prevent the commission of the offence as ought to have been exercised by that person having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Every director or partner and any other person concerned in the management of, a body corporate to which a licence or order has been issued under this Act shall take all reasonable steps to prevent that body corporate from contravening or failing to comply with the licence or order.

(3) A person who contravenes the provisions of subsection (2), commits an offence and shall, on conviction be liable to a fine not exceeding five million shillings or to imprisonment to a term not exceeding one year or to both such fine and imprisonment.

202. An individual or legal persons may bring action and seek appropriate relief in respect of any breach, violation or threatened breach or violation of any provision of this Act or of any use of article, substance or natural resources–

Right of individual and legal persons to sue

(a) in that individual's or legal persons own interest;
(b) in the interest or on behalf of a person who is, for practical reasons, unable to bring such action;
(c) in the interest of or on behalf of a group or class of person whose interests are affected;
(d) in the public interest; and
(e) in the interest of the environment or other habitats.

203.-(1) Except as otherwise specified in this Act, it shall be a defence for a person charged to prove that he took all reasonable precautions and exercised all such diligence to prevent the commission of the offence as ought to have been exercised by that person having regard to all surrounding circumstances.

Defences

(2) It shall not be a defence to a charge under this Act that the defendant was rendered unable to comply with any order or perform any act or function or an act or omission of another person that would have likewise constituted a contravention of this Act.

PART XVII
ENVIRONMENTAL APPEALS TRIBUNAL

204.-(1) There shall be established the Environmental Appeals Tribunal which shall consist of–

Establishment and composition of the Tribunal

(a) a Chairman who shall be appointed by the President from amongst the persons qualified to be appointed a Judge;
(b) an advocate of the High Court of Tanzania recommended by the Tanganyika Law Society;
(c) one member with high academic qualifications and experience in environmental law; and
(d) two other members who have demonstrated exemplary professional competence in the field of environmental management.

(2) The members referred to in paragraphs (b), (c) and (d) shall be appointed by the Minister.

(3) The Chairman and other members shall hold office for a term of three years and shall be eligible for reappointment for further one term.

(4) The appointment of members of the Tribunal shall be made at different times so that the respective expiry dates of their terms of office shall fall at different times.

(5) The Chairman of the Tribunal may invite any persons with special skills or knowledge on environmental issues which are the subject matter of any proceedings or inquiry before the Tribunal to act as *amicus curiae* where it appears to the Tribunal that such special skills or knowledge are required for proper determination of that matter.

Sources of funds for the Tribunal

205. The sources of funds for the Tribunal shall consist of–

(a) such amount of money as may be appropriated by Parliament; and

(b) such sum of money as may be charged on the Fund for the purpose of enforcement of sustainable management of the environment.

Jurisdiction of the Tribunal

206.-(1) The Tribunal shall exercise an appellate jurisdiction under this Act in respect of matters referred before it pursuant to the provisions of subsection (2).

(2) Any person who is aggrieved by–

(a) the decision or omission by the Minister;

(b) the imposition of or failure to impose any condition, limitation or restriction issued under this Act or the regulations made under this Act; and

(c) the decision of the Minister to approve or disapprove an environmental impact statement,

may within thirty days after the occurrence of the event against which he is dissatisfied, appeal to the Tribunal in such manner as may be prescribed by the Tribunal.

(3) Upon hearing of the appeal, the Tribunal may–

(a) confirm, vary or set aside the order, notice, direction or decision complained about; or

(b) make such other order as to costs as it may deem fit.

(4) Where an appeal has been preferred the Tribunal may issue any order which it may deem necessary in the circumstances of the subject of appeal.

(5) Notwithstanding the provisions of subsection (2), the Council may, where it appears to it that a matter involving interpretation of this Act and which is not contentious or not likely to be subject of further litigation, refer the matter to the Tribunal for direction.

Proceedings of the Tribunal

207.-(1) The Chairman and two members of the Tribunal shall constitute a quorum.

(2) The Chairman shall preside over the meetings of the Tribunal, on his absence, by any member elected by members present at that meeting.

(3) A member of the Tribunal who has interest in any matter which is the subject of the proceedings before the Tribunal shall not take part in those proceedings.

(4) The Tribunal shall regulate its own procedure and shall not be bound by rules of procedure or evidence as set out in the Criminal Procedure Act, 1985; Civil Procedure Code Act, 1966 and the Law of Evidence Act, 1967.

Acts Nos. 49 of 1966, 7 of 1967 and 9 of 1985

(5) Any person who is a party to proceedings before the Tribunal may appear in person or by an advocate or by a legal representative.

(6) The Tribunal may, for purposes of proceedings before it–

(a) make such orders intended to secure the attendance of any person at any place where the Tribunal is sitting,
(b) make such orders for discovery or production of any document concerning a matter before it or the investigation of any contravention of this Act as it deems necessary or expedient;
(c) take evidence on oath and may, for that purpose, administer oaths; and
(d) summon, on its own motion or upon request, any person as a witness.

(7) Any person who:

(a) fails to enter appearance before the Tribunal after having been required to do so;
(b) refuses to take oath before the Tribunal or refuses to produce any article or document when lawfully required to do so;
(c) knowingly gives false evidence or information which he knows to be misleading before the Tribunal; and

(d) at any sitting of the Tribunal, interrupts the proceedings or commits any contempt of the Tribunal,

commits an offence under this Act.

Awards of the Tribunal

208.-(1) The Tribunal shall, after hearing the appeal or any matter referred to it by the Council:

(a) inquire into the matter and make an award in form of a directive, order or recommendation;
(b) notify concerned parties of the award; and
(c) specify the period within which the award is to be complied with.

(2) The award of the Tribunal shall be binding and may be enforced as if it were a decree of the court.

Appeals to the High Court

209.-(1) Any party who is aggrieved with the decision or any order of the Tribunal on a point of law, may appeal to the High Court within thirty days of such decision or order.

(2) Every appeal to the High Court shall be heard and determined by a panel of three Judges.

(3) The decision of the High Court on any appeal under this section shall be final.

Immunity of members of the Tribunal

210.-(1) The Chairman or other members or officers of the Tribunal shall not be liable for prosecution or sued in any court for an act done or omitted to be done in good faith in the discharge of their duty as members or officers of the Tribunal, whether or not within the limits of their jurisdiction.

(2) No officer of the Tribunal or other person bound to execute the lawful warrants, orders or other process of the Tribunal shall be liable for prosecution or be sued in any court for the execution of a warrant, order or process which he would have been bound to execute within the limit of the jurisdiction of the Tribunal.

Remuneration of members of the Tribunal

211. There shall be paid to the Chairman and members of the Tribunal such remuneration and allowances as the Minister shall determine.

212.-(1) The Chief Justice shall designate any judicial officer to be the Registrar of the Tribunal.

Appointment of the Registrar

(2) The Registrar shall have and perform such functions as are conferred upon him within the jurisdictional functions of the Tribunal as may be directed by the Chairman.

PART XVIII

NATIONAL ENVIRONMENTAL TRUST FUND

213.-(1) There is established a Fund to be known as the National Environmental Trust Fund into which shall be paid, all moneys received by the Fund.

Establishment of the National Environmental Trust Fund

(2) The sources of money payable into the Fund shall consist of-

(a) such sums of money as may be appropriated by Parliament;

(b) such sums of money as may be payable to the Fund by way of donation, gifts, grants, or bequests by the Government, other agencies, individual persons or another government or international organisations;

(c) all other sums or property which may in any manner become payable to or vested in the Fund in respect of any matter incidental to its powers and duties;

(d) any income generated by any project financed by the Fund, due allowance being made for any necessary expenses which may be met by any such project; and

(e) a levy of the amount to be determined by the Minister in the regulations from every prescribed fee payable under this Act.

(3) There may be charged on and paid out of the Fund all such sums of money as may be expended for management of environment and administrative functions of the Fund.

Objectives of the Fund

214.- (1) The objectives of the Trust Fund shall be-

(a) to facilitate research intended to further the requirement of environmental management;

(b) to foster capacity building;

(c) to confer environmental awards;

(d) to issue environmental publications;
(e) to provide scholarships;
(f) to promote and assist, through grants, community based environmental management programmes; and
(g) to pay for the costs of the meetings of the National Environmental Advisory Committee and of the Board of Trustees.

(2) The Board of Trustees may, on recommendation of the National Environmental Advisory Committee, determine that certain donations of the Trust Fund be applied specifically for prizes and awards for exemplary services to the environment and to be applied by the recipient exclusively to the management of the environment.

Composition and administration of the Fund

215.-(1) The Fund shall vest in the Board of Trustees and be administered as such.

(2) The Board of Trustees shall be appointed by the Minister and shall consist of persons who possess the qualities prescribed in the Fourth Schedule to this Act.

(3) The Director of Environment shall be the accounting officer of the Fund and shall, subject to any specific direction of the Board of Trustees, manage the Fund in accordance with sound and prudent public financial practice.

Annual accounts and audit of the Fund

216.-(1) The Board of Trustees shall cause to be kept and maintained proper books of accounts and records with respect to–

(a) the receipt and expenditure of moneys and other financial transactions of the Fund;
(b) the assets and liabilities of the Fund,

and shall cause to be made out, for every financial year, a balance sheet and a statement showing details of the income and expenditure of the Fund and all its assets and liabilities.

Act No. 6 of 2001

(2) Not later than six months after the close of every financial year, the accounts including the balance sheet of the Fund relating to that financial year shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Finance Act, 2001.

(3) As soon as the accounts of the Fund have been audited, and in any case not later than six months after such audit, the Board of Trustees shall submit to the Minister a copy of the audited statement of accounts, together with a copy of the report made by the auditors.

(4) As soon as practicable, after receipt of the copy of the statement together with the copy of the report submitted pursuant to subsection (3), the Minister shall lay a copy of the statement together with a copy of the auditors' report before the National Assembly.

PART XIX
FINANCIAL PROVISIONS

Sources of funds of the Council

217. The funds of the Council shall consist of-

(a) such amount as may be appropriated by Parliament;
(b) such sum as may be received by the Council by way of donation, gift, grant, loan or bequest;
(c) any fees that may be charged and payable by the Council;
(d) any income generated by any project financed by the Council, due allowance being made for any necessary expenses which may be met by any such project; and
(e) any other lawful source of income.

Bank account and appropriation of funds

218.-(1) The Council shall open and maintain an account or accounts with commercial banks.

(2) All income and property as well as all revenues of the Council acquired in accordance with section 217 shall be applied exclusively to the fulfilment of the object of the Council.

Power to raise and guarantee loans

219.-(1) The Board may, with approval of the Minister of Finance, obtain loans or credit facilities from any institution for the purposes of the Council upon such terms and conditions relating to repayment of the principal and the payment of interests.

(2) The Board, if it is of the opinion that, the public interest requires and, subject to approval of the Minister, secure the payment of money by mortgage, charge or lien of its undertaking or property, both present or future, or any part of it, and by issuance of debenture, stock, bills, bonds and other means as the Board may deem fit or guarantee the repayment of interest on a loan made to any person engaged in the management of environment in Tanzania.

Investments by the Council

220. The Board may invest any part of the moneys available in any account of the Council which is not for the time being required for the purposes of the functions of the Council.

Annual and supplementary budget

221.-(1) Not less than two months before the beginning of every financial year the Board shall, at a meeting, pass a detailed budget in this Act called the "Annual Budget" of the amounts respectively–

(a) expected to be received; and
(b) expected to be disbursed,

by the Council during that financial year and, whenever circumstances so require, the Board may pass a supplementary budget in any financial year.

(2) Where in any financial year the Council requires to make any disbursement not provided for, or of an amount in excess of the amount provided for in the annual budget for any year, the Board shall, at a meeting, pass a supplementary budget detailing such disbursement.

Accounts and audit

222.-(1) The Board shall cause to be provided and kept in accordance with international accounting standards on an accruals basis, proper books of accounts and records with respect to–

(a) the receipt and expenditure of moneys by, and other financial transactions of the Council; and
(b) the assets and liabilities of the Council, and shall cause to be made out for every financial year a balance sheet showing the details of the income and expenditure of the Council and its assets and liabilities.

Act No. 6 of 2001

(2) Within six months of the close of every financial year the accounts including the balance sheet of the Council shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Finance Act, 2001

(3) Every audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, be endorsed with a certificate that it has been so adopted.

(4) As soon as the accounts of the Council have been audited, and in any case not later than six months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

Annual Report

223.-(1) The Council shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report detailing generally activities and operations of the Council during that year.

(2) The report shall be accompanied by:

(a) a copy of the audited accounts of the Council together with the auditor's report on the accounts;
(b) a statement on implementation of all directions given by the Minister to the Council during a year in question; and such other information as the Minister may direct.

(3) The Council shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing request.

(4) The Minister shall, as soon as the report is submitted to him, lay before the National Assembly the audited accounts of the Council together with the auditor's report, if any, on the accounts and the annual report of the Council.

PART XX

GENERAL AND TRANSITIONAL PROVISIONS

Act to bind the Government

224. Unless specifically provided otherwise, the provisions of this Act, regulations and orders made under it shall bind the Government.

Saving over recourse-to civil litigation

225. In addition to the system of criminal enforcement provided for under this Act or any other written laws, the recourse to civil enforcement shall continue to give individuals who are injured by a violation of this Act a right to obtain compensation from the violator through private civil suits.

Range of remedies to the injured

226. In order to enforce environmental standards and duties, the range of remedies available to a person injured or threatened to be injured shall include-

(a) temporary or permanent injunctions;
(b) specific performance orders;
(c) fines and penalties;
(d) compensation;
(e) restoration orders, conservation orders, easement orders, and
(f) compliance orders;
(g) imprisonment; and
(h) any other remedy as the Tribunal or court may determine or any administrative measure as may be prescribed by the Minister.

Environmental performance bond

227.-(1) The Minister shall prescribe in the Regulations, activities or processes which threaten the environment of which environmental performance bond may be required.

(2) An environmental performance bond shall be deposited with the Director of Environment as security for good environmental practice until its refund to the depositor.

(3) The environmental performance bond shall be returned to the operator of activity or process upon the satisfaction of the conditions set by the Minister.

(4) The Director of Environment shall give the operator of an activity or process an opportunity to be heard before confiscating the environmental performance bond.

(5) An environmental performance bond shall be confiscated in whole or in part when the Director of Environment finds an operator's practices violate the provisions of this Act, including the conditions of any certificate, licence or permit issued under this Act.

(6) Where an environmental performance bond is confiscated under sub section (5), shall be used to rehabilitate a degraded environment.

Right to compensation

228.-(1) For the avoidance of doubt, the Minister shall make regulations prescribing the right to compensation for those who suffer damages while protecting the environment.

(2) Any person who violates environmental protection standards causing any damage shall compensate for the damages and costs of remedying the consequences.

Environmental emergency preparedness

229.-(1) The Minister shall prepare guidelines for the management of environmental emergences including–

(a) major oil spills and gas leakages;
(b) spills of other hazardous substances;
(c) industrial accidents;
(d) natural and climate change related disaster such as floods, cyclones, droughts and major pest infestations or other instrusions of alien species of fauna and flora;
(e) influx of refugees, and
(f) fire.

(2) With a view to prepare an emergency preparedness plan appropriate to the risk anticipated in any establishment, premises or any area of land, the Minister shall make consultation with the Disaster Management Department, Government and private institutions, relevant organization as well as individual persons.

230.-(1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act. Regulations

(2) Without prejudice to the generality of subsection (1), regulations made under subsection (1) may-

(a) provide for the issue, amendment and revocation of any licence issued under this Act;
(b) prescribe fees and levies to be charged under this Act;
(c) provide for the protection of any particular species of fauna and flora;
(d) provide for the control or restriction of access to genetic resources of Tanzania and provide for fees payable in respect of accessing;
(e) provide procedure for import and export of germ plasm;
(f) provide for the control of the manufacture, importation, exportation, collection, transportation, treatment, storage, recycling, recovery or disposal of substances which may be hazardous to the environment and public health;
(g) provide for the disposal of waste generally;
(h) provide for environmental impact assessment and specify sizes of projects and activities specified in the Schedule to the Act;
(i) provide for the control of ozone depleting substances;
(j) right to compensation for those who suffer damages while protecting the environment;
(k) prescribe procedure and the manner for preparation, adoption and implementation of environmental action plan;
(l) provide for sustainable management of protected wetlands;
(m) provide for the protection and for integrated management of coastal zone;
(n) provide for *in-situ* and *ex-situ* biodiversity conservation;
(o) provide for biosafety procedure and measures;
(p) provide for management of persistent organic pollutants;
(q) provide for conducting of environmental audit;
(r) provide for the carrying out of a strategic environment assesment; and

(s) prescribe anything required or permitted to be prescribed under this Act.

Repeal and savings Act No. 19 of 1983

231.-(1) The National Environment Management Act, 1983 is hereby repealed.

(2) Notwithstanding the repeal of the National Environment Management Act, 1983, appointments, orders, notices, or anything given or made under the repealed Act shall be deemed to have been made under this Act and shall remain in force and effect until such appointments, orders, notices or anything given or made is cancelled, revoked, rescinded or otherwise withdrawn by an instrument or order made under or in pursuance to the provisions of this Act.

(3) Without prejudice to the provisions of subsections (1) and (2), appointment of the Director General, members of the Board of the National Environmental Management Council shall stand made and all employments or contracts of service made with respect to the performance of the functions or the exercise of the powers conferred on the Council before the commencement of this Act, shall be treated as if they were made, performed or exercised pursuant to the provisions of this Act.

(4) Nothing in this section shall operate so as to prevent an employee or appointee from resigning or being terminated.

Inconsistency with other legislation

232. Where the provision of this Act is in conflict or is otherwise inconsistent with a provision of any other written law relating to environmental management, the provisions of this Act shall prevail to the extent of such inconsistency.

Act to be translated into Kiswahili

233. The Minister shall, as soon as may be practicable after the enactment of this Act, cause this Act to be translated into Kiswahili and that translation shall be published in the *Gazette* circulated to the general public and in any other manner and forms as will enable the citizens of Tanzania to gain access to that translation.

SCHEDULES

FIRST SCHEDULE

(Made under section 11(3))

COMPOSITION, MEETING AND PROCEDURE OF THE NATIONAL ENVIRONMENTAL ADVISORY COMMITTEE

Composition of NEAC

1. The National Environmental Advisory Committee shall consist of–

(a) the Permanent Secretary of the Ministry responsible for environment who shall be the Chairman;
(b) the Director of Environment who shall be the Secretary;
(c) the Commissioner for Minerals;
(d) the Director of Forestry;
(e) the Director of Wildlife;
(f) the Director of Water Resources;
(g) the Director of Crop Production;
(h) the Commissioner for Energy;
(i) the Director of Human Settlements;
(j) the Director of Roads;
(k) the Director of Local Government;
(l) the Director of Industries;
(m) the Director of Veterinary Services;
(n) the Director of Disaster Management;
(o) the Commissioner for Lands;
(p) the Director of Fisheries;
(q) the Director of Animal Production;
(r) a representative of the Attorney General;
(s) a representative from the Ministry respensible for community development;
(t) the Director General of NEMC;
(u) the Director of Preventive Services from the Ministry of Health;
(v) Chief Government Chemist;
(w) a representative from the higher learning institutions;
(x) a representative from civil societies organisations; and
(y) a representative of private sector institutions.

Vice-Chairman

2. At its first meeting members of the Committee shall elect amongst their number a Vice Chairman.

Tenure of office

3. Members of the Committee, other than those appointed by virtue of their offices, shall hold office for three years and, unless their membership is otherwise terminated due to misconduct or non attendance without excuse three successive meetings of the Committee, shall be eligible to reappointment for one further term.

Meetings and power to convene meetings

4.-(1) The National Environmental Advisory Committee shall meet at times and places as the Chairman may, after consultation with the Secretary, determine.

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

(3) The Chairman, or in his absence, a member elected to act as chairman, shall convene a special meeting of the Committee in writing signed by not less than three members of the Committee and, where such special meeting in convened, the agenda for such meeting shall be circulated to each member at his usual place of business or residence at least not less than three days before the date of the meeting.

(4) A meeting of the committee shall be presided over by the Chairman or in his absence, by a member elected by those members present at that meeting.

Invited persons

5. Without prejudice to paragraph 1, the Chairman of the National Enviornmental Advisory Committee may invite any person who is likely to render assistance in the deliberations of the Committee.

6. The quorum at any meeting of the Committee shall be half of the members.

Quorum Sub-committee

7.-(1) The Committee may establish such sub-Committees as it sees fit to enable it to discharge its functions.

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

Conflict of interest

8. A member who has any interest, direct or indirect in any matter coming before the Committee or sub-Committee shall, as soon as is reasonably practicable, disclose the nature of that interest to the Chairman or Vice-chairman and shall not, thereafter take part in any decision on that matter nor, except with the consent of a majority of the members present at that meeting, take part in any deliberations of that meeting.

Committee to regulate its proceedings

9. Subject to the provisions of this Schedule, the Committee shall regulate its own proceedings.

Reports of activities of Committee

10. The Committee shall prepare an annual report setting out its current activities and indicating its future activities.

SECOND SCHEDULE

(Made under section 20 (2))

PROCEDURE FOR THE CONDUCT OF BUSINESS BY THE BOARD

Vice-Chairman

1. The Members shall elect one of their number to be the Vice-Chairman of the Council and shall, subject to his continuing to be a member hold office for a term of one year from the date of election, and shall be eligible for re-election.

Tenure of appointment

2.-(1) A member shall, unless his appointment is sooner terminated by the President or as the case may be, by the Minister or he ceases in any other way to be a member, hold office for the period specified by the President in the case of the Chairman or by the Minister, in the case of any other member, in the instrument of his appointment or if no period is so specified, for a period of three years from the date of his appointment and shall be eligible for re-appointment.

(2) Any member appointed under paragraph 1(a), or (c) may at any time resign from his office by giving notice in wring to the President or, as the case may be, to the Minister, and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the President or the Minister, he shall cease to be a member.

(3) If a member of the Council who is a member by virtue of his holding some other office is unable for any reason to attend any meeting he may nominate in writing another person from his Ministry or organisation to attend that meeting in his place.

Termination and cessation of membership

3. The appointment of a member of the Board may be terminated by the appointing authority where the member –

(a) is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors;
(b) is convicted of an offence and sentenced to imprisonment for a term of six months without option of fine;
(c) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board; or
(d) becomes, for any reason, incapable or incompetent of properly performing the functions of the office of a member.

Alternate members

4. Where a member dies or resigns or otherwise vacates office before the expiry of the term of office, the appointing authority shall appoint another person in place of such a member who shall hold office for remainder of the term of office of his predecessor.

Presiding of meeting

5.-(1) The Chairman shall preside at all meetings of the Council.

(2) Where at any meeting of the Council, the Chairman is absent the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present shall, from amongst their number elect a temporary Chairman who shall preside at the meeting.

(4) The Chairman or a person presiding at the meeting of the Council, shall in the event of an equality of votes have a casting vote in addition to his deliberative vote.

Meeting and procedure of the Council

6.-(1) Subject to sub-paragraph (2), the Council shall ordinarily meet three times during every year for the transaction of its business.

(2) The Council may hold an extra-ordinary meeting if requested in writing by half of the members or at any other time where exigency so require.

(3) The Chairman or, in his absence from the United Republic, the Vice-Chairman may, and upon application in writing by at least five members convene a special meeting of the Council at any time.

(4) The Secretary of the Council shall give to each member adequate notice of the time and place of each meeting.

(5) The Council may invite any person who is not a member to participate in the deliberation of any meeting of the Council, but any person so invited shall not be entitled to vote.

Quorum

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

Decision of the Council

8.-(1) Subject to the provisions relating to a casting vote, all questions relating to a casting vote, all question at a meeting of the Council shall be determined by majority of the votes of the members present.

(2) Notwithstanding the provisions of sub-paragraph (1), a decision may be made by the Council without meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members.

Records and minutes

9.-(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meeting and the minutes of each meeting of the Council shall be read and confirmed or amended and confirmed, at the next meeting of the Council and signed by the person presiding at the meeting.

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof or error, be deemed to be a correct record of the meeting, whose minutes they purport to be.

10. The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Vacancies, etc, not to invalidate proceedings

11. All orders, directions, notices or other documents issued or on behalf of the Council shall be signed by–

(a) the Chairman; or

(b) the Secretary or any officer or officers of the Council authorised in writing in that behalf by the Secretary.

Orders directions

12. The Seal of the Council shall not be affixed to any instrument except in the presence of the Chairman or the Secretary or some other officer of the Council and at least one member of the Council.

Seal of the Council

13. Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

Council may regulate its proceedings

THIRD SCHEDULE

(Made under section 81 (1)

TYPE OF PROJECTS WHICH REQUIRE EIA

1. General–

(a) any activity out of character with its surrounding;

(b) any structure of a scale not in keeping with its surrounding; and

(c) major changes in land use.

2. Urban Development.

3. Transportation.

4. Dams, rivers and water resources.

5. Aerial spraying.

6. Mining, including quarrying and open-cast extraction.

7. Forestry related activities.

8. Agriculture including animal production.

9. Processing and manufacturing industries.

10. Electrical infrastructure.

11. Management of hydrocarbons including the storage of natural gas and combustible or explosive fuels.

12. Waste disposal.

13. Natural conservation areas.

14. Nuclear Reactors.

15. Major development in biotechnology including the introduction and testing of genetically modified organisms.

16. Any other activity as may be prescribed in the regulations.

FOURTH SCHEDULE

(Made under section 215)

COMPOSITION AND PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE FUND

Composition of Board of Trustees

1.-(1) Members of the Board of Trustees shall, subject to the provisions of sub-paragraph (2), consist of members whose number shall not be less than seven and not more than nine being -

(a) a Chairman who shall be a person of proven quality and integrity who has achieved high office or distinction in Tanzania on public administration who shall be appointed by President;
(b) a senior representative of the Ministry responsible for finance;
(c) a senior representative of the Ministry responsible for environment,
(d) a member from institutions concerned with training in environmental management;
(e) a registered accountant;
(f) a legally qualified person from the Office of the Attorney-General;
(g) a member from Non-Governmental Organizations concerned with the environmental management;
(h) a representative of the Ministry responsible for local government authorities; and
(i) a representative of environmental management research institutions.

(2) Not less than three of the members shall be women.

2. The Trustees shall elect from amongst their number a Vice-Chairman who shall hold office for two years but shall be, subject to remaining a Trustee eligible to be re-elected for one further term of two years. Vice-Chairman

3. The Trustees shall hold office for three years and except where their membership is terminated for misconduct or other sufficient reason, shall be eligible to be re-appointed for one further term. Tenure of office

4. An officer responsible for financial matters of the Fund shall attend the meeting of the Trustees as an ex-official member when matters connected with the management of the Fund are discussed. Attendance by Ex-Officials

5.-(1) Subject to the provisions of sub-paragraph (2), an ordinary meeting of the Trustees shall be convened by the Chairman and the notice specifying the date, time, agenda and place for the meeting together with the necessary papers for the meeting shall be sent to each Trustee at his usual place of business or residence not less than fourteen days before the date of the meeting. Convening meetings

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

6. The quorum at any meeting of the Trustees shall be half of members in office Quorum

7. A Trustee who has an interest, direct or indirect in any matter coming before the Board of Trustee shall, as soon as is reasonably practicable, disclose the nature of that interest to the Chairman, or Vice-Chairman or the Acting Chairman and shall not, thereafter, take part in any deliberations or decision on that matter. Conflict of Interest

8. Subject to the provisions of this Schedule, the Trustees may regulate their own proceedings. Board to regulate its proceedings

Passed in the National Assembly on the 11th November, 2004.

Damian Foka

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Clerk of the National Assembly