

CHAPTER 40

THE TANZANIA-ZAMBIA PIPELINE ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section Title

1. Short title.
2. Interpretation.
3. Designation of company.
4. Power to enter land.
5. Power to construct, etc, pipeline on any property.
6. Compensation for damage.
7. Unlawfully damaging pipeline.
8. Omitted.

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CHAPTER 40

THE TANZANIA-ZAMBIA PIPELINE ACT

An Act to facilitate the construction and operation of an oil pipeline between the United Republic and Zambia.

[30th December, 1966]

Acts Nos.
65 of 1966
9 of 1996

Short title **1.** This Act may be cited as the Tanzania-Zambia Pipeline Act.

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

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

Power to enter
land

4.—(1) The company, and any authorised agent of the company, may enter upon any land—

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

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

Power to
construct, etc,
pipeline on any
property
Act No.
9 of 1996 Sch.

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

Provided that—

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

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

- (a) cut and remove trees, undergrowth bushes and plants as they interfere or are likely to interfere with the construction, placing, maintenance, alteration or removal of existing or proposed pipeline;
- (b) open or break up any street or road;
- (c) open or break up any sewer, drain or tunnel in or under any street or road;

(d) alter the position of any pipe for the supply of water, or alter the position of any sewer, drain or tunnel, or the position of any telephone or telegraph line:

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

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

(3) Where the company or any authorised agent of the company exercises any power under this section in relation to any property under the control or Public Telecommunication Licence or a licensee under the Electricity Act, the authority or other person, may authorise a representative to superintend the work and may require that the work be done to the satisfaction of the representative; and any reasonable expense to which the local authority or the licensee is put arising out of the exercise of the powers and out of any supervision shall be reimbursed by the company.

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

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

Compensation for
damage

6.-(1) Where any damage is caused to any person in consequence of the powers conferred by this Act on the company and the authorised agents, an action or suit shall not

lie but that person shall be entitled to compensation and the liability and amount of compensation shall be determined in accordance with the provisions of this section:

Provided that, this section shall not be construed as entitling any person to compensation for any damage suffered-

- (a) unless he would have been entitled otherwise than under the provisions of this section; or
- (b) as a result of the user of any works authorised under this Act unless the damage results from negligence on part of the user.

(2) Liability and the amount of compensation to be paid under this section shall be determined by the District Commissioner for the area in which the property damaged is situated.

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

Unlawfully
damaging
pipeline

7. A person who, willfully destroys or damages any part of the pipeline or any works, structure or equipment incidental thereto, without the Authority of the company, commits an offence and on conviction shall be liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both.

Omitted

8. [Omitted.]

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