

UNITED NATIONS  
**ECONOMIC  
and SOCIAL  
COUNCIL**

65427

Distr.  
LIMITED

E/CN.14/CART/260  
7 October 1970

Original: ENGLISH



ECONOMIC COMMISSION FOR AFRICA

Seminar on Cadastre

Addis Ababa, 25 November - 9 December 1970

THE STATUS OF CADASTRAL SURVEYS AND LAND  
REGISTRATION SERVICES IN TANZANIA AND FUTURE DEVELOPMENT

(Submitted by the Government of the United Republic of Tanzania)

N70-2154

THE STATUS OF CADASTRAL SURVEYS  
AND LAND REGISTRATION SERVICES IN TANZANIA AND FUTURE  
DEVELOPMENT

BY

Mr. J. Daniel, Assistant Commissioner for  
Surveys and Mapping, Tanzania

## I. CADASTRAL SURVEYS

Most of the cadastral surveys in the country are done by the Survey and Mapping Division. In the laws, there is a provision for a licensed surveyor who may also carry out cadastral surveys, but at present there is none in the country. The Law requires surveys to describe the parcels of land to be brought on the Register, and gives the discretion to the Commissioner for Surveys and Mapping to determine the method and the accuracy to which the surveys should be done.

The computing and Records offices are situated at the Hqs of the Division while there is a Regional Survey Office at all the Regions except three. Regional surveyors carry out surveys after receiving instructions from the Hqs, and the Hqs receive the requests for the surveys from the Commissioner for Lands or from the Registrar of Titles.

All cadastral surveys are based on various controls as under :

1. All townships including the city of Dar-es-Salaam have system of control points based on either the national triangulation network or on a local system whose origin is based on co-ordinate system peculiar to the particular town. This control is extended as and when required with the expansion of the town. In some towns this has eventually developed to the idea of 'part to the whole' with serious adjustment problems which the Division has started to think about.

Figure I<sup>1/</sup> is the control system in Tanga Municipality.

2. In rural areas e.g. the surveys of farms, estates etc. are based on either the national control system, on nearby surveys if available within reasonable proximity or on an assumed local origin with an astronomical azimuth control.

Figure II<sup>1/</sup> shows the national control system.

As seen in the figure II, the density of control is hardly sufficient, in most of the country. The control system is extended gradually as the activities of mapping at 1/50,000 scale are extended.

Accuracies required for traverses required for fixations of cadastral surveys are:

<sup>1/</sup> See E/CN.14/CART/260/Add.1.

Rigorous traverses in townships and areas of dense development must be at least  $1/6,000$ .

Rigorous traverses for estates and other properties in rural areas must be at least  $1/5,000$ .

However, the regulations point out that the Commissioner may, at his discretion allow a relaxation of the above standards of accuracy in special cases.

All jobs done by Regional Surveyors or licensed surveyors must be submitted to the computing office for checking and final approval by the Commissioner for Surveys and Mapping. The significance of approval is defined in the laws as survey good enough for the purposes of registration. From the approved survey plan a deed plan for the purpose of registration is prepared. Figures III 1/ and IV 1/ show an approved plan and a deed plan.

All field data, - field sheets, computations and plans are stored in records office for future reference by surveyors or any member of public. These are no duplicating facilities, but copies of plan and co-ordinates are sent to the originating Regional office for records purposes. The central records office also maintains correspondence relating to the various surveys and also relevant correspondence from the Commissioner for Lands, Registrar of Titles and members of the public. All control data, township control points, triangulation points are also kept in the Records office. Files in the Records office are opened and referenced in accordance with quarter degree sheets in the rural areas while in the large townships, in accordance with  $1/2,500$  standard sheets. Arbitrary record blocks are drawn in each sheet and a file for each record block opened accordingly.

#### Sketch Plans

In very isolated rural areas at times sketch plans are accepted for the purposes of offer of a Right of Occupancy. Such sketch plans should either be prepared by a surveyor or a land officer and usually must have the approval of the Commissioner for Surveys and Mapping before they are accepted as documents for Registration purposes. Normally, a clause is included in the terms of the offer to the effect that a survey of the parcel of land must be done at a future date. Fears of possible future overlaps are there, and normally the owner of such land is requested to mark his boundaries by some permanent features e.g. fences, hedges etc.

#### Photogrammetric Methods

So far, very little has been made of this technique in cadastral surveys. The advantages of the method in rural surveys, especially of small farm holdings are appreciated, but the technique has not been used in this Division. The main reason is that our activities have not stretched to these areas and so far our land laws have not specifically required small holders of land to bring their holdings on the Register. Another reason is the lack of appreciation of the advantages of Land Registration.

1/ See E/CN.14/CART/260/Add.1.

A few large estates, mainly ranching schemes of Ministry of Agriculture have however been done by rough photogram methods in order to produce plans for registration purposes. In these surveys tolerances of up to ten feet are accepted owing to the area of the parcels involved and nature of use of these farms.

#### Future Development

The current capacity of the Division meets only a fraction of the Registration services required. Two main reasons may be given:

1. The Division holds surveys of residential plots for small income groups as priority. The service provided in these surveys is mainly to position buildings and establish building lines and most of these do not come on Register at all.
2. Lack of sufficient personnel and their supporting equipment.
3. Other surveys other than cadastral surveys e.g. mapping, at 1/50,000, levelling and other geodetic investigations which also occupy the time of the Division.

Our future development is mainly to expand our activities as under:

1. Strengthen and expand township control methods.
2. Experiment and employ photogram methods.
3. Try to meet the requirements of Land Division with regarding to producing registration plans as and when required.
4. Expand the Survey Records offices in order to cater for all the records for Land Division and Registry Division in order to give a more complete service to the public.

## II. LAND REGISTRY DIVISION

It is a Division of the Ministry of Lands, Housing and Urban Development of the United Republic of Tanzania. It consists of four (4) departments namely - Registry of Documents, First Registration, Registry of Titles and Mining Registry.

Its activities are to register various documents and to maintain a record of documents registered and governed by the following Ordinances:

- (a) The Registration of Documents Ordinance, Cap. 117.
- (b) The Land Registration Ordinance, Cap. 334.
- (c) The Mining Ordinance, Cap. 123.

## 1. REGISTRY OF DOCUMENTS

Its activities are governed by the Registration of Documents Ordinance, Cap. 117, and it is subdivided into 2 sections:

- (a) Compulsory Registration - This registration is in respect of all non-testamentary dispositions in relation to any right, title or interest in land.
- (b) Optional Registration is of any other documents not compulsorily registrable.

It is important that any document presented for registration must be properly attested and executed in accordance with s. 12 of the ordinance and subsidiary Legislation Supp. 57 and as amended by Supp. 58. And that all documents presented must be drawn in English language, and if not, the Registrar may accept a certified translation of same. No erasures, blanks, alterations or interlineations allowed unless countersigned by all parties.

The documents should be presented in duplicate for registration and should be entered into the Presentation Book which gives short details of the documents. Section 18 of the Ordinance provides the time and date of presentation of such documents which gives priority and NOT the date when the document was created.

The Registrar has the power to refuse registration of document where the description of land is not sufficient for the purpose of identification, and has to ensure that the document has been properly stamped within the provisions of the Stamp Ordinance Cap. 189 and has to ensure that consents have been obtained and endorsed where necessary.

If the document has been registered, the original thereof is returned with a memorial of registration endorsed thereon, while the copy is filed in the Register constituting folios which are numbered serially.

The compulsory registration of documents under this Ordinance will not cure a defect in title or confer validity and government has no guarantee of title.

## 2. FIRST REGISTRATION

The first Registration is governed by the provisions of sections 8 - 26 of the Land Registration Ordinance Cap. 334.

The Registrar has power under s. 9 of the Ordinance, to declare an area for Compulsory Registration within a specified time.

Any claimant (applicant) of the above registrable estate could make an application for first registration, and if the Applicant has filed an application out of time, a petition could be made to the Minister within the provisions of section 10 of the Ordinance.

The registrable estates are as specified in s. 8 of the Ordinance and the following are examples of good root of title:

1. An estate of absolute ownership acquired before 23.1.1923.
2. A right granted under German Administration.
3. A conveyance made by the custodian of enemy property.

The Registrar would normally investigate such claims in order to establish a good root of title which should be followed up by an unbroken chain of ownership to the claimant. All documents of good root of title should be presented to the Registrar for further investigation and retention.

At the time of investigation, the Registrar has power to convene hearing and to dismiss the applications. The claimant could make appeal against any decision taken by the Registrar to the High Court within 3 months of such decision. And where the application has been dismissed or the petition has been refused, the land becomes Public Land.

If the Application has been allowed or the petition has been accepted, the Registrar then makes recommendations to the Commissioner for Lands, to issue either an offer of a Right of Occupancy or a Certificate of Occupancy. Such recommendations include the incumbrances and interests subsisting on the land at first Registration. The Commissioner for Lands issued an offer of a Right of Occupancy over land which is not surveyed and a Certificate of Occupancy over land which is surveyed. After the document has been executed and attested by the parties, it should be presented to the Registrar of Titles again for registration and for issue of a title.

The Registrar has to ensure that the document has been properly executed and attested and that all legal implications have been fulfilled before it could be registered and issued with a Title.

### 3. REGISTRY OF TITLES (LAND REGISTRY)

It deals with the registration of any disposition in land governed by the Land Registration Ordinance Cap. 334. A disposition includes transfer, Lease, subdivision, partition, mortgage, easement etc. and must be by deed drawn in prescribed form as given in the Land Registration Rules or as the Registrar may approve, could be registered in the Land Registry.

It is necessary that any disposition presented for registration must be drawn in English language, and if not a certified translation of same could be accepted by the Registrar. The documents must be properly executed and attested in accordance with the provisions of the Land Registration Rules. The Registrar has to ensure that all legal implications have been fulfilled before a document could be registered.

The disposition presented for registration should be entered into the Presentation Book which gives short details of the documents. The time and date of registration is that of presentation and NOT when a disposition was created. This protects priority. If disposition has been registered, original documents are retained for filing as Filed Documents. Memorials of registration of the dispositions are made on the Certificates of Title, Land Registers and Index Cards for cross references.

It should be noted that no registration of a disposition shall be effected without production of the Certificate of Title, with the except of the following:

- (a) Prohibitory Order.
- (b) Injunction.
- (c) Caveat.
- (d) Revocation and Acquisition of Right of Occupancy.
- (e) Rectification of Land Register by the Registrar.

As regards to Survey Plans, no disposition of part, partition or sub-division of the land, could be accepted for registration unless it is accompanied by an Approved Survey Plan. In these cases, the approval of the Commissioner for Lands is always necessary before the Registrar can approve such disposition for registration.

#### 4. THE REGISTRY OF MINING DOCUMENTS

This registry records Mining Claims, Mining Leases and Mining Rights and all dealings therewith which although not so great in numbers of applications do nevertheless also attract that care and attention for detail and accuracy as is necessary in other registries.

#### INDEXING

All the documents registered in this Division are indexed in 2 forms:

1. Personal name Indexing - keep a record of all the names affected in the registered documents for the purpose of cross reference and checking. The details of the names and registration particulars appear in the cards of indexing which are kept and arranged in alphabetical order.
2. Property Indexing - It maintains a record of properties affected in the registered document by stating the description of land, like plot or parcel and block numbers including districts. In addition the property card recites the registration particulars of the document filed.

## OBSOLETE DOCUMENTS

Any document which has fallen obsolete is taken out of the register and kept in a "DEAD SECTION" of the Division. No document is burnt so far as occasional references to the Dead Section are made.

## DUPLICATION ARRANGEMENTS (MICRO-FILM)

The duplication arrangements were in existence up to 1962 when the documents were once put on a microfilm and stored in the alternative premises. After 1962 no further duplication has been attempted.

## LAND REGISTRY INDEX MAP

The land Registry Index map is prepared and maintained for the purpose of the Land Registry, every piece of land is given a single reference, the block and parcel number, which is also the title number and the file number; parcels are units of land separately owned. Blocks are aggregations of parcels, with boundaries, chosen arbitrarily, so that, by using varying scales, all block plans can be drawn on sheets measuring approximately 13" x 14" so far as possible, block boundaries will be drawn so as not to divide individual holdings.

Block boundaries may be changed, where, for example, a small piece of land is being cut off from a parcel in one block and combined with a parcel in another block. In such cases, the block numbers will not be changed but the block plans will be redrawn and the old plan cancelled. All the block plans will bear edition numbers and where a block plan is redrawn it will receive a new edition number.

The parcel numbers will be numbered serially running, as nearly as convenient, from left to right and from top to bottom. On other dispositions like mutation, the number of the parcels affected will be cancelled and the new parcels will receive the next available consecutive numbers in the block. The numbers being cancelled remain clearly legible but those numbers will never be used again. These parcel numbers should not necessarily agree with the survey plot numbers. Survey plot numbers are fixed to the land but parcel numbers keep on changing from time to time in accordance with the disposition.

- - - - -



1