

GOVERNMENT NOTICE No. 85 published on 9/3/2018

THE URBAN PLANNING ACT  
(CAP. 355)

**REGULATIONS**

*(Made under section 24(7))*

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URBAN PLANNING (CONTROL OF ACCESS TO PUBLIC BEACHES AND  
COASTLINES) REGULATIONS, 2018

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THE URBAN PLANNING ACT,  
(CAP. 355)

**REGULATIONS**

*(Made under section 24(7))*

URBAN PLANNING (CONTROL OF ACCESS TO PUBLIC BEACHES AND  
COASTLINES) REGULATIONS, 2018

- Citation 1. These regulations may be cited as Urban Planning (Control of Access to Public Beaches and Coastlines) Regulations, 2018.
- Interpretation 2. In these Regulations, unless the content require otherwise:-
- Cap.355 “Act” means the Urban Planning Act;  
“Authority” means planning authority as per section 7 of the Act, including Minister responsible for land use planning, and or local government, Director appointed under the Act,  
“Authorised Town Planner” has the meaning as defined in the Act;  
“Buffer zone” means a zone specified in regulation 9(b);  
“Development” means the carrying out of any building operation, engineering operation or mining operation in, on, under or over land or the making of any change of a substantial nature in the use of land in a public beach or coastline.  
“Public entertainment” means dancing, singing or playing music, charity bazaars, stage plays or performances, cinematographic exhibitions given or held indoors or outdoors;  
“Public gathering” means a public meeting or a public procession;  
“Public meeting”-  
(a) means any meeting of 12 or more persons held or to be held on a Public Beach or Coastline and includes a meeting for a public entertainment; or  
(b) includes a meeting of 12 or more school children, a sports meeting of 12 or more persons and a meeting of 12 or more persons for public entertainment;

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“public procession” means a convoy in, to or from, a Public Beach or Coastline consisting of 12 or more persons proceeding on foot or in more than one vehicle;

“structure” includes a building, houseboat, raft, wharf, post, fence, wall, sign, waterjetty, buoy, float or mooring;

“swimming zone” means that part of an ocean, the sea, lake or river which is designated as such under regulation 9(a);

“vessel” means any boat or other watercraft and includes any non-displacement craft and seaplane used or capable of being used as a means of transportation on water;

“beach” means a long form along the coast of an ocean, sea, lake and rivers;

“public beach” means a beach which is open to the general public;

“coastline” means an area where land meets the sea or ocean, sometimes refers to seashore.

Need for permission

3.-(1) No person shall hold on any public beach or coastline, any public gathering, any public entertainment or any activity to which the public is convened or, is entitled or permitted to have access, whether on payment or otherwise, unless he holds an authorisation granted by the Authority under regulation 6.

(2) Any person who wishes to hold on any Public beach or coastline, any public gathering, any public entertainment or any activity to which the public is convened or, is entitled or permitted to have access, whether on payment or otherwise, shall make an application to the Authority unless he holds an authorisation granted by the Authority under regulation 6.

Application in a specified form

4. An application under regulation 3 shall be made to the Authority in the form specified in the First Schedule at least 7 days before the holding of the public gathering, public entertainment or activity.

Power of Authority on application

5. The Authority may, on receipt of an application under regulation 4:-

- (a) consult such person as it considers necessary;
- (b) request the applicant to furnish such additional information or document as it may reasonably require in relation to the application.

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Conditions for  
grant of  
application

6.-(1) After considering the application and any information submitted in relation to an application under regulation 3, the Authority may:-

(a) grant to the application and issue an authorisation in the form specified in the Second Schedule and subject to-

(i) the payment of a daily fee not less than 100,000 T.sh. for an area up to an acre and shall pay 500Tsh. per every additional square meter;

(ii) such terms and conditions as the Authority may deem necessary;

(b) reject the application where it is satisfied that the applicant-

(i) has knowingly made, in the application for an authorisation or in the course of any enquiry, any statement, or furnished any information which is false or misleading in a material particular; or

(ii) is not otherwise a fit and proper person to be granted an authorisation.

Cancellation of  
authorisation  
granted

7. The Authority may cancel, revoke or suspend any authorisation granted under these regulations-

(a) where it is satisfied that the person to whom the authorisation has been granted has:-

(i) contravened the Act or any regulations made under the Act;

(ii) breached any condition attached to the authorisation;

(iii) not complied with a direction given to him under regulation 4;

(b) on any of the grounds on which it would have been entitled to refuse to grant an authorisation under regulation 6(1)(b).

Duty to carry  
authorisation  
granted

8. The person to whom an authorisation has been granted shall:-

(a) at all times carry a copy, or the original, of the authorisation; and

(b) show such copy or original of the authorisation when so requested by-

(i) an authorised officer who exhibits his

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	authority by means of an identification card issued by the Authority; or (ii) a police officer.
Designation of swimming and buffer zones	9. The Authority may designate by means of:- (a) yellow coloured floats and buoys, a reasonable space within a Public beach or coastline to be a swimming zone; and (b) red coloured floats and buoys, a zone which shall be of a distance of 10 metres from the edge of the swimming zone to be a buffer zone.
Permissible on development	10-(1) No development other than conservation and that consisting of water-related human activities shall be carried out/undertaken within a public beach or coastline strip of land of a width of not less than 60 metres from the high-water mark of the ocean, sea, lake and river shall be reserved exclusively for conservation and for strictly water-related human activities without a planning consent or contrary to a planning Scheme prepared.  (2) For the purposes of this regulation, “water related human activities” include tourism, aqua recreation, fishing or camping site.
Restriction on development	11. No person or group of persons shall undertake any development on a public beach or coastline.
Prohibition of mooring Vessels	12.-(1) Subject to sub regulation (3), no vessel shall be moored on any part of the Public beach or coastline except in places specifically designated for that purpose. (2) A mooring zone shall be demarcated at ocean or sea or lake or river with white mooring buoys.  (3) A vessel may be moored or kept on the Public beach or coastline when cyclone warnings have been issued.
Control of animals	13.-(1) Dogs or any other pet animals shall not be allowed on the Public beach or coastline unless they are kept in leash of not more than 2 metres and of such strength that would prevent the animal from releasing itself from the leash.

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(2) No person shall ride a horse or donkey or camel for training or leisure purposes, unless he holds a written authorisation granted by the Authority

(3) Any person who wishes to ride a horse or donkey or camel for training or leisure purposes shall apply for a written authorisation from the Authority.

(4) The Authority may, on receipt of an application under paragraph (3), grant the authorisation-

- (a) on such terms and conditions as it deems necessary; and
- (b) upon payment of a monthly fee prescribed by the authority per horse or donkey or camel.

Restriction on display of advertisement

14-(1) No person shall erect or place any structure or display or cause to be displayed any writing on any Public beach or coastline, unless he holds a written authorisation from the Authority after payment of prescribed fee.

(2) The Authority may, on receipt of an application under paragraph (1), allow any writing to be displayed, or any other structure on a Public beach or coastline under the Urban Planning (Control of Advertisements) Regulations, 2018.

Operation of vessel in buffer and swimming zones

15-(1) Subject to sub regulation (2)(a) and (b), no person shall operate a vessel in a buffer zone or a swimming zone.

(2) A person may enter with a vessel in a buffer zone, or a swimming zone, or pass outside a demarcated passage where his life is in peril, or for the purposes of attending to another person whose life is in peril.

(3) Any person operating a vessel in the circumstances specified in paragraph (a) shall take all reasonable precautions so as not to cause injury or damage to any other person or property.

Restricted sports

16. No person shall:-

- (a) drive, ride or park a vehicle including a motorcycle, auto cycle, bicycle on the Public beach or coastline except in such places as may be designated for that purpose by the authority;

- (b) play football or volleyball on the Public beach or coastline, except in such places as may be designated for that purpose by the Authority; or
- (c) in a swimming zone or in a buffer zone, operate a pedal, kayak, surfboard, or any other similar apparatus, contraption or device.

Unlawful acts

17.-(1) No person shall:-

- (a) damage, or interfere with any flora, including trees and grasses on a Public beach or coastline;
- (b) remove, deface, damage or destroy any sign or post placed on a Public beach or coastline;
- (c) light a fire outside a place designated by the Authority;
- (d) leave a fire unattended at such designated place until the fire is completely extinguished;
- (e) deposit or leave any object, including any rubbish or litter on the public beach or coastline, except in receptacle or within an area provided for that purpose;
- (f) deposit or dispose of any waste or rubbish, oily liquid, acid or other chemical or toxic or polluting substance into the marine environment on a public beach or coastline;
- (g) subject to regulation 15, on a Public beach or coastline engage in any game or activity which is likely to cause danger to any other person or damage to the environment or any property;
- (h) abandon a vessel, motor vehicle or any other property on a public beach or coastline;
- (i) damage, remove or otherwise interfere with any floats or buoys;
- (j) build or erect any structure of permanent nature without prior authorisation by the Authority.

(2) No person shall erect any sign or structure, display or cause to display any writing on a public beach or coastline, except with the written authorisation of the Authority given under regulation 13.

Determination of abandoned property

18. When determining whether a vessel, a motor vehicle or other property is abandoned for the purposes of these regulations, regard shall be had, *inter alia*, to:-

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- (a) whether the vessel or motor vehicle is registered;
- (b) the state of the vessel, motor vehicle or other property
- (c) the period of time the vessel, motor vehicle or other property has been left unattended.

Notice of  
contravention

19.-(1) An authorised officer or a police officer may, at any time, issue a notice of contravention in the form set out in the Third Schedule to a person, where he is satisfied that any of these regulations is likely to be or is being contravened, or any conditions imposed in any authorisation granted to the person under these regulations, are not being complied.

(2) A notice of contravention shall not be a bar to a prosecution for the offence in respect of which the notice has been served.

(3) No contravention for an offence specified in the notice shall be established during the currency of the notice.

Penalty

20. Any person who:-

- (a) contravenes these regulations;
- (b) fails to comply with any conditions of an authorisation granted under these regulations;
- (c) fails to comply with a notice of contravention; or
- (d) fails to comply with any direction given by an authorised officer or a police officer under regulation 15,

shall pay a fine of fifty thousand shillings (50,000Tsh.) and failure to pay shall be termed to have committed an offence and shall, on conviction be liable to a fine of not exceeding four hundred thousand shillings (400,000Tsh).

Revocation  
GN No. 76 of  
1992

21. The Town and Country Planning (Public Beaches Planning Area) Order, 1992, is hereby revoked.



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**FIRST SCHEDULE**  
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*(Made under regulation 4)*  
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**APPLICATION FOR AUTHORISATION TO USE A PUBLIC BEACH OR COASTLINE**

- (a) Name of applicant:.....
  - (b) Address of applicant: .....
  - (c) Telephone No.:.....Fax No. (if any) .....Postal Code.....  
email address.....
  - (d) Nature of undertaking:.....  
Government/Public interest /Personal interest /Commercial /Social/ Other: .....
  - (e) Name of Public beach or coastline for which authorisation to use is sought:.....
  - (f) Date, time and duration of activities: .....
  - (g) Location on a Public beach or coastline where activities will be held:.....
  - (h) Description of activities: .....
  - (i) Approximate Public beach or coastline area proposed to be used: .....
  - (j) Measures proposed to ensure that no damage will be caused to the amenities and the environment of a Public beach or coastline. generally.....Date: .....
- Signature of Applicant:.....

cc. Ward Executive Officer  
cc. Mtaa Executive Officer

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**SECOND SCHEDULE**

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*(Made under regulation 6)*  
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**AUTHORISATION FOR USE OF PUBLIC BEACH OR COASTLINE**

**1.** M/s.....of.....here  
by authorized to use.....( (name of a Public  
beach or coastline) of an area covering..... (approximate area)  
for.....(Description of activities)  
on.....(Date) for a period of..... (Duration)

**2. Particulars of Authorisation**

- (a) Authorisation No: .....
- (b) Deposit: Tshs.....(in words & figure)

**3. Conditions of Authorisation**

- (a) Compliance with the provisions of the Act, by-laws and other laws of the; and
- (b) Deposit refundable subject to the Public Beach being reinstated to its former state after the activity to the satisfaction of the Authority.

Date: ..... The Authorized Town  
Planner .....

cc. Ward Executive Officer  
cc. Mtaa Executive Officer

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**THIRD SCHEDULE**

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*(Made under regulation 18)*  
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**NOTICE OF CONTRAVENTION**

No:.....

To:.....

NOTICE is hereby given to you that I have ascertained that regulation(s) .....has or have been / is or are being contravened / conditions of the authorisation granted to you is / are not being complied at.....

Public beach or coastline, in the district of.....

PARTICULARS:.....

NOW you are hereby required, within a period of ..... from the date on which this NOTICE is served upon you to ..... and if you fail to comply with this notice, you shall commit an offence.

Date: .....

Time: .....

.....

Authorised Officer / Police Officer

cc. Ward Executive Officer

cc. Mtaa Executive Officer

Dodoma,  
14<sup>th</sup> February, 2018

WILLIAM V. LUKUVI,  
*Minister for Land, Housing and  
Human Settlement Development*