

GOVERNMENT NOTICE No. 146 published on 22/4/2011

THE WILDLIFE CONSERVATION (DANGEROUS ANIMALS
DAMAGE CONSOLATION) REGULATIONS 2011

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GN. No.146(Contd.)

THE WILDLIFE CONSERVATION ACT

(CAP. 283)

REGULATIONS

(Made under Section 121)

THE WILDLIFE CONSERVATION (DANGEROUS ANIMALS DAMAGE
CONSOLATION) REGULATIONS, 2011

PART I

PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Wildlife Conservation (Dangerous Animals Damage Consolation) Regulations, 2011 and shall come into operation on the date of publication.

Citation
and
com-
mence-
ment

2. In these Regulations unless the context otherwise requires-
- "Act" means the Wildlife Conservation Act;
 - "Authorized Officer" shall have the meaning ascribed to it under the Act;
 - "Consolation" includes the alleviation of misery, distress of mind or grief in either pecuniary or non-pecuniary terms with a view to providing support, comfort and relief from damage,
 - "crop" means perennial, annual or seasonal plants which are not stunted and are grown for food or commercial purposes,
 - "damage" means permanent, temporary or partial destruction of crops or death of livestock or injury to or death of a human being,
 - "dangerous animal" means an animal specified in the Third Schedule to these Regulations;
 - "Director" means the Director of Wildlife appointed under the Act;
 - "livestock" includes cattle, sheep, goats, pigs, mule and donkeys, and all other domesticated animals, and includes their eggs and young;
 - "Minister" means the Minister responsible for Wildlife
 - "person" means an individual or group of persons in a family;

Interpre-
tation

Act No 5
of 2009

"Wildlife" means any wild and indigenous animals and plants and constitutes habitats and ecosystems found on land or in water as well as exotic species that have been introduced in Tanzania and established in the wild, and includes wild animals on transit, temporarily maintained in captivity or have become established in the wild.

PART II

PAYMENT OF CONSOLATION

Applica-
tion for
consola-
tion

3.-(1) Any person who has suffered damage or destruction of his crops or livestock caused by a dangerous animal as prescribed under these Regulations shall, upon application and determination be eligible for consolation.

(2) An applicant who is eligible for consolation in accordance with these Regulations shall:

(a) report the incidence to the nearest Village Executive Officer of the area where the incidence occurred within three days;

(b) apply to the Director in a prescribed form set out in the First Schedule to these Regulations;

(c) at the time application is submitted or at any subsequent time, provide the Director with any information he Director may require in order to determine the applicant's eligibility for consolation.

(3) A person shall not be entitled to consolation, unless he has made an application under these regulations.

(4) All applications for consolation under these Regulations shall be made to the Director in the form set out in First and Second Schedules to these Regulations within seven days and be verified by a Wildlife Officer, Agricultural or livestock Officer, Village Executive Officer or Ward Executive Officer, two independent witnesses within the area and the case of human injury or death, a medical practitioner of a rank of clinical officer and above.

(5) The Director shall upon receipt of an application for consolation conduct an inspection.

(6) Any person who provides incorrect or false information while processing an application under these Regulations commits an offence.

Restrictions on payment

4.-(1) Notwithstanding the provision of regulations 3, no application shall be considered for consolation:

- (a) for loss or damage of crops on land in excess of five acres; or
- (b) where the damage, loss, injury or death to which the application relates occurred in the cause of committing an offence under the Act or any other written law

(2) The Director shall not make any payment under these Regulations where-

- (a) any portion of the damaged crop is harvested before inspection is conducted by the Director in accordance with regulation 3(5);
- (b) the damaged crops were stunted and no harvest were expected;
- (c) a payment has been made under any other arrangement or law for the same crop, property or life with respect to the same location, property or person for which consolation or similar scheme for relief is required; or
- (d) the claimant contravenes section 73(3) with regard to handling of the animal killed.
- (e) The damage to livestock or crops occurred-
 - (i) outside the boundaries of the village; or
 - (ii) within the boundaries of the village but in contravention of the land use plan;
 - (iii) in any area within the buffer zone, migratory routes, wildlife corridors and dispersal areas.

Eligibility for consolation

5. An applicant shall be eligible for consolation in accordance with these regulations for damage caused only by dangerous animals listed in the Third Schedule to these Regulations.

Rates of Payment

6. The Director shall upon verification of the claim, pay the claimant in accordance with rates set out in the Fourth Schedule.

Review of Director's decision

7.-(1) An applicant who is aggrieved by the decision of the Director, may within thirty days from the date of the decision request the Director to reconsider the decision.

(2) Where the Director receives a request under sub-regulation (1), he shall reconsider the decision.

(3) The Director may reverse a decision for consolation made upon:-

- (a) re-verification of the damage; or
- (b) satisfying himself that the initial decision was incorrect.
- (4) The Director shall complete any revision of a decision within one year.

PART III

VARIATION OR DISAPPROVAL OF CONSOLATION CLAIMS

Powers of Director to vary or disapprove claims

8. The Director may, at any time, upon being satisfied that an applicant is not eligible to consolation or the amount of consolation payment is incorrect, vary or disapprove the amount claimed.

Applicant's opportunity to be heard

9.-(1) Notwithstanding the provisions of regulation 8, the Director shall not vary or disapprove claims under these Regulations without having given the applicant an opportunity to be heard.

(2) Subject to the conditions stipulated under these Regulations and within thirty days, an applicant shall have the right to make representation or to show cause as to why his claim should not be varied or disapproved.

(3) The Director shall within sixty days, upon receipt of the Applicant's representations under sub-regulation (2), make a decision on the claim.

Right to appeal

10.-(1) Any person who is aggrieved by the decision of the Director may, within thirty days of receipt of the Director's notification, appeal to the Minister.

(2) The Minister shall within sixty days upon receipt of an appeal from an aggrieved applicant, review and determine on the appeal.

(3) Where further particulars are required to enable the Minister to make a decision, the Minister may order such particulars to be furnished by any person in such manner and within such time as the Minister shall direct.

(4) An appellant may appear before the Minister in person or by a representative.

(5) The decision of the Minister shall be binding and conclusive.

PART IV

OFFENCE AND PENALTIES

Offences and Penalties

11. Any person who commits an offence under these Regulations shall be liable, upon conviction, to a fine of not less than three hundred thousand shillings but not exceeding five million shillings or imprisonment for a term of not less than six months but not exceeding two years or to both.

SCHEDULES

FIRST SCHEDULE

(Made under Regulation 3(4))

WF No.....

APPLICATION FORM FOR CLAIM CONSOLATION

A: General Information On Damage

1. (i) Full Name of Applicant (s)

.....
.....

(ii) Identification Card/Passport No.

.....
.....

2. Address: (i)

Contact.....
.....

(ii) Physical address.....

3. Nature/ type of damage caused

.....

4. Location of crop field/livestock where damage was done or located:

Region..... District..... Division.....
Ward..... Village..... Distance from a protected area.....

5. Name of dangerous animal (s) that caused the damage

.....

6. Date and time when the damage was caused.....

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7. Size of the crop field upon which the damage was caused
.....(state in acres)
8. Description of livestock/ crops damage
.....
9. Evidence of ownership of crop field/ livestock (Where applicable attach table and/ or photographs)
.....
10. Type of crops damaged (seasonal/ perennial).....
11. Stage at which crops had reached before damage.....
12. Projected dates (month and years) of harvest of the damaged crop(s)
.....
13. Season within which the damage occurred (dry, wet.)
.....
14. Current use(s) of land/ livestock and by whom
1.....
2.....
3.....
4.....
15. Land use plan (i)in place (ii) not in place (circle the appropriate)
16. What efforts were made to prevent the damage from occurring e.g fencing, trenches, physical presence of human beings,etc)
.....

17. Officer who evaluated:

Name.....
Title.....
Signature.....
Date.....

18. Witness/es to the damage:

S/N	NAME	Status (position of witness in the area)e.g game Scouts, Village Chairman,Leader etc)	CONTACT ADDRESS (physical address and telephone contacts)	SIGNATURE
1				
2				
3				
4				

B: General Information of claim for Injury/ loss of life

19. Particulars of injured/deceased person;
(i) Full name(s).....
(ii) Age..... (iii) sex..... (iv) Occupation.....
20. Date and time of injury/death.....
21. Type of injury sustained.....
22. Date, place and time of burial of deceased.....
23. Burial or death certificate of deceased or any other document certified by the appropriate authority.....
24. Name of Medical Officer who witnessed/certified the injury/ death.....
25. Full name(s) of next of kin.....
26. Name of dangerous animal which caused the injury/death.....
27. Name (s) of Officer (s) who verified the damage as per Regulation 3(4) of these Regulations,
(i).....
(ii).....
(iii).....
(iv).....
(v).....
(vi).....
28. Name of the Medical officer who certified the injury or death.....
29. The total amount claimed as consolation for the damage/injury/loss is TSHs.

C: Declaration by the applicant

30. I/WE HEREBY SOLEMNLY DECLARE/AFFIRM that the information provided for in this form is true to the best of my/our knowledge

Name..... Signature.....
(i).....
(ii).....

D: Declaration by Verifying Officers

31. I/WE HEREBY SOLEMNLY DECLARE/AFFIRM that the information provided for in this form is true to the best of my/our knowledge

Name	Occupation	Signature
(i).....
(ii).....
(iii).....
(iv).....
(v).....

Information provided for each deceased person must be accompanied by a certified copy of the burial or death certificate

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1 A certified copy of the burial or death certificate must be provided before a claim is approved

(For official use only)

E: Approval for payment

Amount approved.....

Authorizing officer

Name.....

Title.....

Signature..... Date.....

SECOND SCHEDULE

(Made under Regulation 3(4))

WF No.....

CERTIFICATE OF CONFIRMATION OF DAMAGE, INJURY OR DEATH

1. I hereby declare that (name of the applicant).....resident of has on this.....day of20.....duly informed the Office of the Director of the damage that occurred as stated in the form annexed hereto.

2. I declare further that I have inspected the crop field/ livestock where the damage occurred on.....Day of20..... and I am satisfied that the applicant's claim for consolation is based on the correct facts

3. Nature of claim for consolation.....(state whether injury or death of person or livestock or crops destruction)

4. Particulars of location of damage

.....
.....
.....

GIVEN under my hand at.....this.....Day of.....two thousand and.....

Authorized Officer Certifying the damage

Name:
Signature:
Date:
Seal/Stamp

THIRD SCHEDULE

(Made Under Regulation 5)

LIST OF DANGEROUS ANIMALS

KISWAHILI NAME	ENGLISH NAME	SCIENTIFIC NAME
Faru	Black Rhinoceros	Diceros bicornis(Linnaeus)
Fisi	Spotted Hyena	Crocuta crocuta
kiboko	Hippopotamus	Hippopotamus amphibious (Linnaeus)
Mamba	Nile Crocodile	Crocodilus niloticus
Nyati (Mbogo)	Buffalo	Syncerus caffer (Sparman)
Simba	Lion	Panthera leo(Linnaeus (B)
Tembo(ndovu)	African Elephant	Loxodonta africana

FOURTH SCHEDULE

RATES OF CONSOLATION PAYMENT

(Made under Regulation 6)

S/N	DAMAGE	RATE IN TSHS.
1	loss of human life	1,000,000
2	permanent disability of human	500,000
3	temporary injury of human	200,000
4	crops per acre (maximum 5 acres)	<i>up to 0.5km from protected area</i> 0.00 <i>Above 0.5 km-1 km from protected area</i> 25,000 <i>Above 1. km-4km from protected area</i> 50,000 <i>Above 4. km-5km from protected area</i> 75,000 <i>Above 5. km from protected area</i> 100,000
5	Death of cattle	50,000
6	Death of sheep/goat/pig/mule/donkey	25,000
	Death of other domesticated animals	10,000

Dar es Salaam,
24th March, 2011

HON. EZEKIEL M. MAIGE (MP),
Minister for Natural
Resources and Tourism