

THE UNITED REPUBLIC OF TANZANIA



No. 16 OF 1968

I ASSENT,

*Julius K. Nyerere*  
President

157. FEBRUARY, 1968

**An Act to amend the Gemstone Industry (Development and Protection) Act, 1967**

[2ND FEBRUARY, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Gemstone Industry (Development and Protection) (Amendment) Act, 1968, and shall be read as one with the Gemstone Industry (Development and Protection) Act, 1967, (hereinafter referred to as "the principal Act").

2. The principal Act is amended by adding the following new section immediately below section 3—

" Persons finding gemstones to report to Commissioner

3A.—(1) If any person finds any gemstone without an apparent owner on any land in respect of which—

- (a) he is not the holder of a right or licence to prospect for gemstones; or
- (b) he is not the holder of a claim or lease to mine for gemstones granted under the Mining Ordinance; or
- (c) he has not been authorized in writing by the holder of such right, licence, claim or lease referred to in paragraph (a) and (b) of this subsection to act on his behalf for the purposes of this Act,

he shall forthwith report the discovery and shall, as soon as possible after the discovery, deliver such gemstone to the Commissioner who shall cause the same to be deposited in the District Court having jurisdiction over the area in which the gemstone was found.

(2) Where a gemstone is deposited in a District Court in accordance with subsection (1) the court shall advertise the finding of the gemstone in the *Gazette* and unless, within three months from the date when the advertisement appears,

any person proves to the satisfaction of the court a lawful title to the gemstone and further satisfies the court that he was not concerned in any offence in relation therewith, the court shall declare the same to be forfeited to the Government:

Provided that the court may in its discretion and in the absence of any person proving a lawful title to the gemstone and after giving full consideration to such representations as may be made by or on behalf of the finder of the gemstone and the Commissioner, and to such other relevant evidence as may be adduced by other persons, order such gemstone to be sold and a portion not exceeding half of the proceeds of such sale, after deduction of the costs of realization and such royalties as may be prescribed under any law for the time being in force, to be paid to the finder.

(3) Every sale of gemstones in pursuance of an order of the court shall be conducted in such manner as may be prescribed.

(4) Any person who finds a gemstone in the circumstances described in subsection (1) and who fails to report such finding to the Commissioner within twenty-eight days shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years.”.

Section 33  
of  
principal  
Act  
amended

3. Section 33 of the principal Act is amended in paragraph (g) thereof by inserting after the word “authorized” the word “miner”.

Passed in the National Assembly on the fifteenth day of January, 1968.

  
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Clerk of the National Assembly