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A Bill for an Act to repeal the House of Representatives (Immunities, Powers and Privileges) Act, No. 4 of 2007 and enact the new House of Representatives (Immunities, Powers and Privileges) Act in the exercise of the functions and matters connected therewith and incidental there to 253

NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 27th April, 2022 and is gazetted for the public notice incorporating together with their objects and reasons.

ZANZIBAR
20th April, 2022

(Eng. Zena Ahmed Said)
**Secretary to the Revolutionary
Council and Chief Secretary**

**A BILL
for
AN ACT TO REPEAL THE HOUSE OF REPRESENTATIVES
(IMMUNITIES, POWERS AND PREVILEGES) ACT,
NO. 4 OF 2007 AND ENACT THE NEW HOUSE OF
REPRESENTATIVES (IMMUNITIES, POWERS AND
PRIVILEGES) ACT IN THE EXERCISE OF THE
FUNCTIONS AND MATTERS CONNECTED
THEREWITH AND INCIDENTAL THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and Com-
mencement.

1. This Act may be cited as the House of Representatives (Immunities, Powers and Privileges) Act, 2022 and shall be read together with Chapter Five of the Constitution and shall come into operation immediately upon being assented to by the President.

Interpreta-
tion.

2. In this Act, unless the context otherwise requires:

“Assistant of a Member” means a person who assists a Member with the special needs in the House or Committee;

“Committee” means a Standing Committee of the House and includes a Sessional Committee and any other Committee established in accordance with the Constitution and the provisions of the Standaing Orders for exercising the duties of the House;

“Constitution” means the Constitution of Zanzibar, 1984;

“Chairperson of Committee” means any Member elected in accordance with the Standing Orders to preside any Committee and including the Vice Chairperson where the Chairperson is absent;

“Clerk” means the Clerk of House and includes Assistant of the Clerk or any Staff of the House authorised to perform any task of Clerk of the House;

“Director of Public Prosecutions” means a person appointed as a Director under the provisions of the Constitution;

“Government” means the Revolutionary Government of Zanzibar;

“House” means the Zanzibar House of Representatives established according to the Constitution and includes Committee of the whole House or any other House Committee;

“Hansard” means the House proceedings or discussion of the House or official records of voting in the House which has been prepared according to the Standing Orders;

“Member” means a Member of the House and includes Speaker in case where the Speaker is not a Member of the House;

“Meeting” means sittings of the House commencing when the House first meets and terminating when all businesses of the House come to conclusion;

“Minister” means the Minister responsible for the matters relating to the House;

“Office of the House” means the Office of the House established and performs its functions in accordance with the Constitution and related laws;

“Officer of the House” means the Clerk or any other Officer or person acting within the precincts of the House under the Order of the Speaker and includes any Police Officer on duty within the precinct of the House;

“Police Officer” means any member of the Police Force as interpreted by the Police Force and Auxiliary Services Act, CAP 322;

“Precincts of the House” means the hall in which the House sits in session for the transaction of its business together with the offices, rooms, chambers, lobbies, galleries, courtyards, gardens and any other place provided for the use or official accommodation of the Speaker, buildings which were used by the House and any passages connecting such places and any other places immediately contiguous thereto as may from time to time be declared by the Speaker as being within the precincts of the House;

“President” means the President of Zanzibar and the Chairman of the Revolutionary Council;

“Public Officer” means any person in the service of, or holding office under the Revolutionary Government of Zanzibar or any of its parastatals whether or not such service or office is permanent or temporary or paid or unpaid;

“Secretariat” means an Executive Committee of the House which assists the Clerk in the exercise of his or her functions and its composed of Heads of Departments and divisions in the organization structure of the House and the Committee Clerks;

“Sergeant at Arms” means an Officer of the House appointed by the Clerk to maintain order and security in the House.

“Sessional Committee” means a Committee established by the House in accordance with the Standing Orders for particular matter;

“Standing Orders” means the Standing Orders of the House made in accordance with the provisions of the Constitution;

“Speaker” means the Speaker of the House and includes any other Member when such member elected by the House to preside at a House session;

“Stranger” means any person other than the President, the Speaker, Member, Clerk, Officer of the House, any other officer or ordinary person who implements special task concerning with the House to the extent of only enabling him to implement of such tasks;

“Vice Chairperson of Committee” means any Member elected in accordance with the Standing Orders to preside any Committee where the Chairperson is absent.

PART TWO PRIVILEGES AND IMMUNITIES OF THE MEMBERS AND OFFICERS OF THE HOUSE

3.-(1) Subject to the provisions of the Standing Orders, there shall be freedom of speech and debate in the House.

Freedom of speech and debate.

(2) Freedom of speech and debate as referred under subsection (1) of this section, shall not be questioned in any Court or place outside the House.

(3) Without prejudice to the generality of this section, any person aggrieved by the speech or debate of any Member may file his complaint to the Speaker in accordance with the provisions of the Standing Orders.

4. A civil or criminal proceedings shall not be instituted against any Member and the Member shall not be liable to be questioned in any Court or place outside the House for words spoken before, act done in bona fide pursuance of the House decision or written in a report to the House or to Committee or by reason of any matter, or thing brought by such Member by petition, bill, resolution, motion or otherwise or any vote given such Member in the House or any Committee thereof.

Immunity from legal proceedings.

Freedom from arrest for civil debts.

5. A Member shall not be liable to be arrested whilst going to, attending at or returning from a sitting of the House or any Committee for any civil debt except for a debt the contraction of which constitutes a criminal offence.

Summons not be served within the precincts of the House.

6. Notwithstanding anything to the contrary, no summons issued by any court or authority of Zanzibar or outside Zanzibar in the exercise of its civil or criminal jurisdiction shall be served or executed within the precincts of the House while the House is sitting or through the Speaker or any Officer of the House, nor shall any Member be arrested on civil process save by the written leave of the Speaker while the Member is within the precincts of the House and while the House or a Committee is sitting.

Freedom of a Member to hold meeting in his Constituency.

7.-(1) Subject to provisions of this Act or any other statutory provisions regulating the convening and organization of public meeting, a Member shall be free to hold public meetings in his Constituency and all responsible authorities shall facilitate the Member in a manner as convenient to the Member as is possible under the circumstances.

(2) A person who obstructs a public meeting referred under subsection (1) of this section, commits an offence and shall be liable to be proceeded against in accordance with the law.

The House Flag and its use.

8.-(1) There shall be a Flag of the House which shall be as prescribed in the First Schedule of this Act.

(2) Subject to the provisions of any law regulating the use, fly or hoist of the National flag, a Member may use the flag of the House while he is:

- (a) in office at his Electoral Constituency;
- (b) at a public meeting other than the meeting convened either by a political party or for the purposes of electoral campaigns; or

(c) proceeding on a journey within Zanzibar.

(3) The Minister may make Regulations for the better carrying out of the purposes and provisions of this section in relation to the use of the Flag of the House.

9.-(1) Subject to the provisions of this Act and to any statute relating to the National Security, a Member shall be furnished with any information he requests in writing, within fourteen days by the Public Officer who has authority to provide such information.

Member to be furnished with information.

(2) The information referred under subsection (1) of this section, shall be requested in writing through the Clerk.

(3) Where the Public Officer is of the opinion that the requested information may take longer time than provided under subsection (1) of this section, he may request for an extension of time to furnish such information and extension so requested shall not exceed seven days.

(4) Where the Public Officer fails to furnish such information under subsection (1) of this section, the Clerk shall notify the Government Whip to facilitate the issuance of such information within a reasonable time.

(5) The information obtained under the provisions of this section, shall only be used by the Member in the implementation of his duties of the House.

(6) For the purpose of this section, the Government Whip means a Leader appointed by the Government from amongst the Ministers to assist a Leader of Government Business to coordinate the Government affairs in the House.

10.-(1) With the permission of the Speaker or a Chairperson of the Committee as the case may be, an Assistant of a Member may enter the precincts of the House including inside the chamber of the House or Committee room where the need arises.

Procedures to enter the precincts of the House.

(2) The Clerk, upon the direction of the Speaker shall lay down procedures to facilitate strangers to enter in the House including attending sessions of the House and its Committees.

Power of the Speaker to order withdrawal from the precincts of the House.

11. The Speaker or any other Officer authorized by him when the need arises may at any time order any stranger to withdraw from the precincts of the House.

Jurisdiction and procedure in relation to breaches of the House privileges.

12.-(1) Subject to the provisions of the Constitution and the Standing Orders, the House shall have all such powers and jurisdiction as may be necessary for inquiring into, judging and declaring upon the commission of any act, matter or thing, not amounting to an offence under this Act, is a breach of the House privileges.

(2) Subject to the Standing Orders, the Speaker shall have the power to determine whether any act, matter or thing is one into which the House may inquire, judge and declare upon.

(3) The House or a Committee, as the case may be, in relation to any act, matter or thing, may recommend to the Speaker that he requests the Director of Public Prosecutions to take necessary steps if he deems just to bring to trial any person connected with the commission of any offence under this Act.

(4) The Speaker whether on his own accord or upon a recommendation of a Committee, shall report to the Director of Public Prosecutions all acts, matters and things committed by any person amounting to an offence under this Act, and the Director of Public Prosecutions shall proceed in relation to such report in accordance with the law.

Codes of conduct for Members.

13. Subject to the provisions of the Zanzibar Public Leaders Codes of Ethics Act or any other related law, the House may by resolution adopt codes of conduct for the Members of the House.

PART THREE EVIDENCE

14.-(1) The House, Committee or any Sessional Committee may, subject to the provisions of this section and section 20 of this Act, order any person to attend before the House or before such Committee and to give evidence or to produce any document in the possession or under the control of such person.

Power to order attendance of witnesses.

(2) The power conferred by subsection (1) of this section on the Sessional Committee, may be exercised by any other Committee which is specially authorized by a resolution of the House to exercise such powers in respect of any matter or question specified in the resolution.

15.-(1) Any order to attend, give evidence or produce documents before the House or Committee, shall be served to the person required to attend or to produce the documents by a summons under the hand of the Clerk issued under the direction of the Speaker.

Issuance of summons.

(2) In every summons under subsection (1) of this section, there shall be stated the time and the place where the person summoned is required to attend and the particular documents which he is required to produce and the summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof to his usual or last known place of abode in the United Republic of Tanzania with some adult person and there shall be paid such sum for his expenses as may be prescribed by Regulations made under this Act.

(3) A summons provided under this section may be served by an Officer of the House or by a Police Officer.

(4) Summons provided under the provisions of this section, shall be as prescribed under the Second Schedule of this Act.

Power to
issue
warrant to
compel
a witness.

16.-(1) If a person to whom a summons referred to under section 15 of this Act, does not attend before the House or the Committee, the Speaker may, upon being satisfied that the summons was duly served or that the person to whom the summons is directed willfully avoids service, issue a warrant to apprehend him and bring him at a time and place to be stated in the warrant, before the House or Committee.

(2) A warrant issued under this section shall be executed by the Police Officer.

(3) The Speaker, on the issue of a warrant under this section, may if he thinks fit, by an appropriate endorsement on the warrant, direct that the person named in the warrant be released after arrest for his appearance before the House or Committee as may be required in the endorsement.

(4) The warrant issued under the provisions of this section, shall be as prescribed under the Third Schedule of this Act.

Witness
may be
examined
on oath.

17.-(1) The House or an authorized Committee may require any facts, matter and thing relating to the subject matter of inquiry before the House or such Committee be verified or otherwise ascertained by the oral examination of witness and may cause any such witnesses to be examined upon oath.

(2) An oath required to be taken under the provisions of this section, may be administered by the Clerk or by any other person appointed by the Speaker for that purpose, or in the case of a witness before the Committee, by the Chairperson or Clerk of the Committee.

Objection
to answer
question
or to
produce
docu-
ments.

18.-(1) Where any person ordered to attend or to give evidence or to produce any document before the House or Committee, refuses to answer any question that may be put to him or to produce any such document on the ground that the same is of a private nature and does not affect the subject of inquiry, the Speaker or Chairperson of Committee if satisfied with the reasons provided, may excuse the answering or the production thereof.

(2) Subject to the provisions of subsection (1) of this section, any person who refuses to be examined before or to answer lawful and relevant questions put by the House or Committee unless such refusal be excused as herein before provided, commits an offence and shall, upon conviction, be liable to a fine of not exceeding One Million Tanzania Shillings or to imprisonment for a term of not exceeding one year or to both such fine and imprisonment.

(3) Subject to the provisions of this Act, the House or Committee shall have power to regulate its procedures in respect of the mode and procedures of taking evidence.

19.-(1) Subject to the provisions of subsections (2) and (3) of this section, a person summoned to give evidence, disclosure of any communication or produce any document before the House or a Committee shall have the same rights and privileges as he produced before a Court.

Privileges
of
witness.

(2) Unless the President otherwise directs in writing, a Public Officer shall not refuse:

- (a) to give evidence before the House or a Committee;
- (b) to produce any document before the House or a Committee; or
- (c) to furnish to the Secretariat any information relating to the correspondence of any Government department or any matter affecting the public service.

(3) An answer by a person to a question put by the House or Committee shall not be admissible in evidence against him in any proceedings civil or criminal, except in the case of criminal procedures under offences of perjury, conspiracy to give false evidence, fabricating evidence, deceiving witnesses and destroying evidence under the Penal Act or of an offence against this Act.

Evidence of proceedings in the House or Committee not be given without leave.

20.-(1) Notwithstanding the provisions of any other law, a Member or Officer of the House and person engaged to take minutes of evidence before the House or any Committee shall not, save as provided in this Act, give evidence elsewhere in respect of the contents of any document laid before the House or such Committee as the case may be, or in respect of any proceedings or examination held before the House or such Committee, as the case may be, without the special leave of the House first had been obtained.

(2) The special leave referred to in subsection (1) of this section, may be given during recess or adjournment by the Speaker or, in his absence or other incapacity or during any dissolution of the House by the Clerk.

Certificate to witness.

21.-(1) A witness summoned before the House or Committee who answered fully and faithfully any question put to him by the House or Committee to its satisfaction may be entitled to receive a certificate stating that such witness has been examined and answered all questions as required.

(2) A certificate issued under subsection (1) of this section shall, in the case of a witness before the House, be under the hand of the Speaker and in the case of a witness before the Committee be under the hand of the Chairman of the Committee.

(3) The Speaker, after consultation with the Director of Public Prosecutions, if he is satisfied that:

- (a) the certificate was issued to the witness after giving a false information; or
- (b) the evidence adduced by the witness is deemed as misleading the House or any Committee,

shall cancel the certificate and such witness shall be guilty of an offence punishable as if he has committed an offence of frauds under the Penal Act.

(4) A witness who has been given a certificate under subsection (1) of this section, may use such certificate before the Court as evidence and the Court may determine him as a credible witness.

(5) Where the certificate is cancelled under subsection (3) of this section, the witness to whom the certificate was issued shall not be accorded with any protection provided for under subsection (4) of this section.

(6) The Certificate issued under this section shall be prescribed under Fourth Schedule of this Act.

22. A person who before the House or Committee intentionally gives a false answer to any question put to him during the course of any examination, commits an offence and shall, upon conviction, be punishable as if he has committed an offence of fraud under of the Penal Act.

False
evidence.

23. A person who:

- (a) tempers with, deters, threatens, molests, beguiles or in any way unduly influences any witness in regard to any evidence to be given by him before the House or Committee; or
- (b) threatens, molests or in any way punishes, damnifies or injures or attempts to punish, damnify or injures any person for having given evidence before the House or Committee,

Interfer
ence
with
evidence.

commits an offence and shall, upon conviction, be liable to a fine of Three Hundred Thousand Tanzania Shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both, such fine and imprisonment.

24. A person who presents to the House or Committee any false, untrue, fabricated or falsified document with intent to deceive the House or Committee shall, where such presentation does not constitute

False
documents.

an offence under section 19 of this Act, be guilty of an offence and shall be liable on conviction to punishment as if he committed an offence of forgery under the Penal Act.

Contempt.

25. A person who:

- (a) having been called upon to give evidence before the House or Committee refuses to be sworn or make an affirmation without reasonable grounds;
- (b) being a witness misconducts himself;
- (c) causes an obstruction or disturbance within the precincts of the House during a sitting of the House or Committee;
- (d) shows disrespect in speech or manner towards the Speaker or Chairperson of the Committee; or
- (e) commits any other act of intentional disrespect to or with reference to the proceedings of the House or Committee or to any person presiding at such proceedings,

commits an offence and shall, upon conviction, be liable to a fine of not less than Three Hundred Thousand Tanzania Shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both, such fine and imprisonment.

Questions relating to determination of evidence and production of documents.

26. Where at any time any question arises in the House or Committee regarding:

- (a) the right or power of the House or Committee to hear, admit or receive oral evidence;
- (b) the right or power of the House or Committee to peruse or examine any paper, book, record or document or to

summon, direct or call upon any person to produce any paper, book, record or document before the House or Committee; or

- (c) the right or privilege of any person including a Member of the House or Committee,

that question shall, subject to the proceeding provisions of this Act and except in so far as express provisions is made in these provisions for the determination of that question, be determined in accordance with the usage and practices of Legislature.

27. Any proceedings before the House or a Committee at which any person gives evidence or produces any document, shall be deemed to be judicial proceedings for the purposes of an offence relating to perjury, conspiracy, fabricating evidence, deceiving witnesses and destroying evidence under the Penal Act.

House
Proceed-
ings
to be
judicial.

PART FOUR OFFENCES AND PENALTIES

28. A person who:

- (a) being a stranger enters or attempts to enter the precincts of the House with knowledge, in contravention of any order of the Speaker;
- (b) being a stranger fails or refuses to withdraw from the precincts of the House when ordered to withdraw there from, by the Speaker or Officer of the House;
- (c) being a stranger, contravenes any order made under this Act by the Speaker regulating the admittance of strangers to the precincts of the House or any rule made by the Speaker under the Standing Orders; or

Offence
relating to
admittance
to the
House.

- (d) attends any sitting of the House as the representative of any media after the general permission granted under any order made under this Act or under the Standing Orders to be the representative of that media has been revoked,

commits an offence and shall, upon conviction, be liable to a fine of not less than Three Hundred Thousand Tanzania Shillings or to imprisonment for a term of not less than one month but not exceeding six months or to both, such fine and imprisonment.

Corrupt or
Improper
practice.

29.-(1) A person who offers to a Member or Officer of the House or any public officer or partner of the Member or Officer of the House either directly or indirectly, any bribe, gift or reward in order to influence such Member or Officer of the House or to any public officer or a partner of the Member in his conduct as such Member or Officer or for or in respect of the promotion of or opposition to any bill, resolution, matter, rule or things submitted to, or intended to be submitted to the House, shall be guilty of an offence.

(2) Member or Officer of the House or to any public officer or a Partner of the Member or Officer of the House who demands, accepts, or receives, directly or indirectly, any bribe, gift or reward the offering of which is an offence under this section, shall be guilty of an offence.

(3) A person who commits an offence under this section and shall, upon conviction, be liable to a fine of not less than Three Million Tanzania Shillings or to imprisonment for a term of not less than five years or to both, such fine and imprisonment.

(4) When the offence, against any person, is proved under this section, the Court may order that, the value or amount of any bribe or reward offered, be forfeited or compensated or recovered in the same manner provided for under the Zanzibar Anti-Corruption and Economic Crime Act or any other legislation.

(5) For the purpose of this section, the word “partner” includes husband or wife, or assistant of the Member or Officer of the House and any other person who is nearby the Member or Officer of the House.

30. Any person who:

- (a) assaults, obstructs or insults any Member or Officer of the House going to or coming from the precincts of the House, or any place where a Committee meets;
- (b) endeavors to compel either directly or indirectly any Member by force, insult or menace to declare himself in favor of or against any bill, resolution, matter, rule or things submitted to or intended to be submitted to the House;
- (c) assaults, interferes with, resists or obstructs of any Officer of the House while in the execution of his duty; or
- (d) sends to any Member or Officer of the House any threatening letter, message including those from social media or challenges the Member or Officer of the House to fight on account of his conduct as the Member or Officer of the House,

Other offences against a Member and an Officer of the House.

commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzania Shillings or to imprisonment for a term of not less than three years or to both, such fine and imprisonment.

31.-(1) A person who wilfully and without lawful excuse fails to comply with or contravenes any order made under section 11 or 16 of this Act, creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the House or any Committee while the House or Committee is sitting or who wilfully fails to obey any other order of the House and disturb the performance of its functions, commits an offence and shall on conviction, be liable to a fine not exceeding Five Hundred Thousand Tanzania Shillings or to

Disobediences.

imprisonment for a term of not exceeding twelve months or both, such fine and imprisonment.

(2) No offence is committed under this section unless the Speaker or an Officer of the House has drawn to the attention of the person concerned the fact that such failure or contravention is contrary to such order and the person thereafter continues in such failure or contravention as aforesaid.

Other
offences.

32.-(1) A person who:

- (a) publishes any false or scandalous libel on the House or any Committee which willfully misrepresents in any way proceedings of the House or Committee;
- (b) publishes save by the general or special leave of the House a report of any proceedings of the House or any Committee when proceedings have not been held in public;
- (c) publishes save by the general or special leave of the House any paper, report or other document prepared expressly for submission to the House before the same has been laid on the table of the House;
- (d) prints or causes to be printed a copy of any Act which is in force or in copy of any report, paper or journals of the House as purporting to have been printed by the Government Printer or by or under the authority of the House or of the Speaker and the same is not printed;
- (e) tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed;
or

- (f) publishes or prints any libel on any Member concerning his character or conduct as the Member or with regard to action performed or words uttered by him in the course of the transaction of the business of the House,

commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzania Shillings or to imprisonment for a term of not exceeding three years or both, such fine and imprisonment.

(2) A person who uses the flag of the House contrary to section 8 of this Act, or the Regulations made in relation to the use of such flag, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzania Shillings or to imprisonment for a term of not exceeding three years or both, such fine and imprisonment.

33. A Member who offers, accepts, agrees, obtains, attempts to offer or to obtain for himself or for any other person any bribe, fee, commission, reward or benefit of any kind for speaking, voting or acting on account of his having so spoken, voted or acted or having so refrained, commits an offence and shall, upon conviction, be liable to a fine of not less than Three Million Tanzania Shillings or to imprisonment for a term of not exceeding five years or both, such fine and imprisonment.

Acceptance of bribes by a Member.

34.-(1) A person or his servant, bring a defendant in any Civil or Criminal Proceedings instituted for publication of any report, paper, minutes, votes and proceedings, may, on giving to the court a forty-eight hours written notice of his intention, bring before such court a certificate under the hand of the Speaker to prove that the publication, by such person or his servant, was conducted under the authority or order of the House.

Publication of proceedings without malice.

(2) The Court, on receiving the certificate together with an affidavit, shall verify such certificate and such court thereupon immediately stay such Civil or Criminal Proceedings and the same and every process issued therein shall be deemed to be finally determined.

Protection of person publishing on authority of the House.

35. In any civil proceedings instituted for publishing any report or summary of, or, any extract from or abstract of any report, paper, minutes, votes and proceedings of the House, if the court be satisfied that such report, summary, extract of abstract was published bona fide and without malice, judgment shall be entered for the defendant.

Unqualified person sitting or voting in the House.

36. A person who:

- (a) having been elected or appointed a member of the House but not having complied with the necessary formalities that enable him to sit or vote in the House; or
- (b) sits or votes in the House after his seat therein has become vacant or he has become disqualified from sitting or voting therein, knowing or having reasonable grounds to believe that he has not complied with the necessary formalities or that his seat has become vacant as the case may be,

commits an offence and shall, upon conviction, be liable to a fine of not less than Two Hundred and Fifty Thousand Tanzania Shillings for every day upon which he so sat and voted.

PART FIVE GENERAL PROVISIONS

No arrest without the consent of the Director of Public Prosecution.

37. A Member shall not be arrested or detained for accusation of committing criminal offence for an offence committed in the course of exercising his duties, unless a consent is given by the Director of Public Prosecutions.

38.-(1) When a Member is arrested on a criminal charge or is sentenced to imprisonment by Court, the authority concerned shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or imprisonment as the case may be, and the place of detention or imprisonment of such Member.

Information as to the arrest of Member.

(2) When the Member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned.

(3) It shall be the right of the House to receive from the Speaker immediate information of the arrest, detention, conviction, imprisonment and release of the Member.

39. The Speaker, Officer of the House or any other person shall not be held liable for anything done in good faith while exercising any power, discharging any duty or performing any function in accordance with the provisions of this Act, regulations or order made under the provisions of this Act.

Immunity.

40. Every Sergeant at Arms shall for the purpose of this Act and the application of the provisions of the Criminal law within the precincts of the House have all the powers and enjoy all the privileges of a Police Officer.

Power of Sergeant at Arms.

41. A Sergeant at Arms may arrest without warrant:

Power of arrest.

- (a) a person who commits any offence contrary to section 30 or 31 of this Act in his presence; or
- (b) a person who he reasonably suspects of having committed or being about to commit an offence contrary to any of the said section of this Act.

42.-(1) Prosecution for an offence under this Act shall not be instituted except with the written sanction of the Director of Public Prosecutions of Zanzibar.

Sanctions for prosecutions.

(2) For the purpose of this section, the Director of Public Prosecutions means the Director of Public Prosecutions, Deputy Director of Public Prosecutions or Acting Director of Public Prosecutions.

Hansard printed by order of the House to be admitted on evidence.

43. Upon any inquiry relating to the privileges, immunities and powers of the House or of any Member, any copy of the Hansard or Standing Orders printed or dully authenticated as such under the hand of the Clerk, shall be admitted as evidence of such Hansard or Standing Orders in all courts and place without any further proof to be given.

Status of Powers under this Act.

44. The power of the House and the Speaker conferred by this Act, shall be supplementary to any power conferred by the Constitution or Standing Orders.

Absence of the Speaker or Deputy Speaker.

45.-(1) For the purposes of this section “absence” in relation to the Speaker or the Deputy Speaker, means:

- (a) that the office of Speaker or the office of Deputy Speaker is vacant; or
- (b) that the Speaker or the Deputy Speaker is incapable of or is from any course prevented from performing the duties of the House.

(2) For the duration of any period during which the Speaker is absent, the powers and privileges vested in the Speaker by this Act shall be vested in the Deputy Speaker.

(3) For the duration of any period during which both the Speaker and the Deputy Speaker are absent:

- (a) the power and privileges vested in the Speaker by the provisions other than section 21 and 34 of this Act shall:

- (i) in so far as they relate to any matter arising at a sitting of the House for the transaction of business be vested in such Member of the House as may be elected by the House by virtue of the provisions of section 81 of the Constitution to preside at the sitting of the House when such matters arise; and
 - (ii) in so far as they relate to any other matter be vested in such Member.
- (b) the powers vested in the Speaker by section 21 and 34 shall be vested to the Clerk.

46.-(1) Where it is alleged that the Member is of unsound mind or suffer from mental illness, the Speaker shall appoint a panel of three persons who are not Members of the House to enquire into the allegation and submit their report to the Speaker.

Allegation on the mental condition of a Member.

(2) The panel appointed under subsection (1) of this section, shall consist of:

- (a) Judge of the High Court of Zanzibar as Chairman;
- (b) two medical doctors who specialize in the field of psychiatrics appointed by the Medical Board.

(3) The Speaker, having received the report and finding of the panel, shall forward the same to the House for final decision.

Clerk to issue circular on Rights and Privileges of a Member.

47. The Clerk shall, after he has been directed to do so by relevant authorities in the Authority of the House, issue circulars explaining and elaborating the entitlement, rights and privileges of Leaders, Members and Officers of the House.

48. Subject to the provisions of section 88 of the Constitution, the Member shall, have the following obligations, to:

Obligations of a Member.

- (a) guard the integrity of the House and its Committees and not involving himself in willful disobedient acts that would bring the House or its Committee into ridicule; and
- (b) use sittings of the House and committees to defend the rights and interest of the citizens in accordance with the provisions of the Constitution, the Constitution of United Republic of Tanzania, 1977 and national ethics.

Exemption against Members and Officers of the House.

49.-(1) A Member shall not be a member of the Board of any public corporation or institution other than the House.

(2) A Member or Officer of the House shall not be an assessor of any court or tribunal.

(3) A Member or Officer of the House while attending in a sitting of the House or Committee, shall not be compelled to appear as witness before any court, tribunal or any Commission of Inquiry or any other similar authority.

(4) Subject to the provisions of subsection (3) of this section, the issuance of certificate signed by the Speaker or Chairperson of the Committee shall be deemed sufficient proof of attendance of a Member or Officer of House to the House or Committee session.

Penalty for Member.

50.-(1) A Member who contravenes the provisions of section 49 of this Act may be suspended by the House from the bussineses of the House and its Committees.

(2) If a member is suspended under subsection (1) of this section, his suspension shall:

- (a) on the first occasion for Twenty One days;

- (b) on the second occasion for Sixty days; and
- (c) on the third or any subsequent occasion, until the House resolves to terminate the suspension of that Member.

(3) A Member who is suspended from the House shall forthwith withdraw himself from the precincts of the House and shall not be entitled to be paid any allowance except for the basic salary, representation and housing allowances for the entire period of the suspension.

(4) The Procedures of suspending the Member under this section, shall be as prescribed under the Standing Orders.

51. Where a person contravenes any provisions of this Act or any regulations or order made under this Act for which no specific punishment is provided, commits an offence and shall, upon conviction, be liable to a fine of not exceeding Five Hundred Thousand Tanzania Shillings or imprisonment not exceeding six months or both fine and imprisonment.

General
Penalty.

52. Subject to the provisions of section 71(3) of the Constitution and other relevant provisions of the Constitution, no judgment or order against any Member of the House who commits any civil or criminal offence shall be enforced before the expiry of the period allowed for appeal or where no period is provided for appeal no enforcement shall be made before the expiry of two months from the day judgment or order was delivered.

No en-
forcement
of
judgment.

53. The Minister may make Regulations for the better carrying out of the provisions of this Act.

Regula-
tions.

54.-(1) The House of Representatives (Immunities, Powers and Privileges) Act, No. 4 of 2007 is hereby repealed.

Repeal
and
Saving.

(2) Notwithstanding the repeal under subsection (1) of this section, anything done under the repealed Act shall be deemed to have been made under the provisions of this Act.

FIRST SCHEDULE

[Made under section 8(1)]

THE HOUSE FLAG

A rectangular flag with blue ocean colour and in the middle with the logo of the House of Representatives.



SECOND SCHEDULE



[Made under section 15(4)]

SUMMONS

To.....
.....

WHEREAS THE HOUSE/ COMMITTEE of the House of Representatives of Zanzibar summon your appearance before it in person on the day of....., 20...., at o'clock in the, in respect of the matter/claim relating to
.....
..... for the purpose of giving evidence.

Take notice that, in default of your appearance on the day before mentioned, the House/Committee will proceed with its proceedings and determine you as absentee.

Issued under the hand of the Clerk of the House of Representatives of Zanzibar

.....
SIGNATURE

STAMP



THIRD SCHEDULE



[Made under section 16(4)]

WARRANT OF ARREST

To:

The Police Officer.

WHEREAS has been duly served with a summons but has failed to attend (absconds and keeps out of the way for the purpose of avoiding service of a summons). You are hereby ordered to arrest and bring the said before the House / Committee.

You are further ordered to return this warrant on or before the day of20..... with an endorsement certifying the day on and the manner in which it has been executed or the reason why it has not been executed.

Issued under the hand of the Speaker of the House of Representatives of Zanzibar

STAMP



.....
SIGNATURE

FOURTH SCHEDULE



[Made under section 21(6)]

CERTIFICATE OF WITNESS

This is to certify that Mr/Mrs.....,

having been duly summoned for being a witness before the House/Committee of the House; has been examined fully and faithfully answered question(s) put before him/her to the satisfaction of the House/ Committee of the House.

Issued under the hand of the Speaker/ Chairperson of the Committee.

STAMP



.....

SIGNATURE

OBJECTS AND REASONS

The object of this Bill is to enact a new House of Representatives (Immunities, Powers and Privileges) Act in the Exercise of the Functions and Matters Connected Therewith and Incidental Thereto of 2022, that will meet the needs of various Members of the House of Representatives in Zanzibar, in setting up a conducive working environment for Members with special needs, including getting assistants who will assist them in all of their working environments and legally recognizing their benefits.

Generally, the Bill seeks to address the shortcomings and challenges of the same Act of 2007 and to bring it into line with the current environment and meeting the current and future needs of Members of the House of Representatives in discharging their duties without affecting the requirements of the Constitution and other existing Laws.

This Bill will enable all Members of the House to understand and accordingly apply this new Act in carrying out their duties in the House and its various Committees. The Bill will further strengthen the concept of Separation of Powers by preventing the Members being part of other organs of the Government, including being members of boards of Government parastatals or institutions and judicial decision boards and tribunals.

The Bill is divided into Five Parts as follows:

Part One deals with the Preliminary Provisions and includes the short title, commencement of the Act and interpretation.

Part Two deals with the immunities and privileges that the Member enjoys in the performance of his duties including freedom of speech and debate, immunity from legal proceedings, holding meetings in the constituency, using the House Flag and access to information from the Public Institutions.

Part Three includes the power of the House and its Committees to summon witnesses and issue summons to such witnesses and other evidence related provisions.

Part Four deals with offenses and penalties for various offenses including the offense relating to admittance to the House premises without the Speaker's permission, corruption or misconduct and the offense of disobedience.

Part Five provides the general provisions that to be observed in ensuring that the powers, privileges and immunities of the House are observed.

ZANZIBAR
20th April, 2022

(HAMZA HASSAN JUMA)
MINISTER OF THE STATE, SECOND VICE
PRESIDENT OFFICE, POLICY,
COORDINATION AND THE HOUSE OF
REPRESENTATIVES, ZANZIBAR.