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NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first, second and third reading which will start its session on 15th December, 2021 and is gazetted for the public notice incorporating together with their object and reasons.

ZANZIBAR
23rd November, 2021

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

A BILL

for

**AN ACT TO AMEND VARIOUS LAWS AND MAKE BETTER
PROVISIONS THEREOF**

ENACTED by the House of Representatives of Zanzibar

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and
Commencement.

1. This Act may be cited as the Written Laws (Miscellaneous Amendment) Act, 2021 and shall come into operation immediately after being assented to by the President.

Amendment
of certain
Laws.

2. The Written Laws specified in various parts of this Act are amended in the manner specified in their respective parts.

**PART TWO
AMENDMENT OF THE OFFICE OF THE DIRECTOR OF
PUBLIC PROSECUTIONS ACT, NO. 2 OF 2010**

Construction.

3. This Part shall be read as one with the Office of the Director of Public Prosecutions Act, No. 2 of 2010, in this Part referred to as “Principal Act”.

Amendment
of section 5.

4. Section 5 of the Principal Act is amended by:

- (a) in subsection (1) adding the words “departments, divisions and” before the word “units”;
- (b) repealing subsection (2) and replacing it with a new subsection (2) as follows:

“(2) The Director shall, on such terms and conditions as deem appropriate and in accordance with Office Scheme of Service, appoint the heads of departments, divisions and units”.

**PART THREE
AMENDMENT OF THE ZANZIBAR TOURISM
ACT, NO. 6 OF 2009**

Construction.

5. This Part shall be read as one with the Zanzibar Tourism Act, No. 6 of 2009, in this Part referred to as the “Principal Act”.

6. Section 5 of the Principal Act is amended:

Amendment
of section 5.

- (a) in sub section (1) by deleting paragraph (a) and substituting it with a new paragraph (a) as follows:

“(a) Chairman who shall be appointed by the President.”

- (b) by repealing subsection (2) and replacing it with a new subsection (2) as follows:

“(2) The Commissioners shall appoint one among them to be a Vice Chairman.”

7. The Principal Act is hereby amended by adding a new section 5 immediately after section 5A as follows:

Addition
of a new
section 5A.

Secretary
of the
Commission.

5A.-(1) The Commission shall appoint a lawyer who is employee of the Commission to be a Secretary of the Commission.

(2) The Secretary shall be accountable to the Commission, and shall specifically be responsible to:

- (a) take accurate minutes of the meetings;
- (b) maintain the correct and sufficient records;
- (c) keep register of decisions of the meetings;
- (d) give proper notifications of the meetings;
- (e) provide the correct advice to the Commission when so needed; and
- (f) perform any other function as directed by the Commission.

8. The Principal Act is hereby amended by adding a new section 5B immediately after section 5A as follows:

Addition
of a new
section 5B.

Tenure of the Commission.

5B. Save for an ex-officio member, the Chairman and other members shall hold office for a term of three years from the date of the appointment and may be eligible for re-appointment for another one term only.

Repeal of section 6.

9. Section 6 of the Principal Act is hereby repealed.

Amendment of section 8.

10. Section 8 of the Principal is amended by repealing subsection (2) and (3) and replacing them with new sub section (2) and (3) as follows:

“(2) The quorum of the meeting of the Commission shall be more than half of the total number of the Commissioners.

(3) All meetings of the Commission shall be presided by the Chairman and in his absence, the Vice Chairman shall preside the meeting”.

Addition of a new section 23C.

11. The Principal Act is amended by adding a new section 23C immediately after section 23B as follows:

Tourism and Diplomatic Police.

23C.-(1) There shall be Tourism and Diplomatic Police coordinated by the Commission which shall take patrol in areas of tourism to safeguard tourists and their properties.

(2) The structure, functions and other matters of the Tourism and Diplomatic Police shall be as prescribed in the regulations.

Amendment of section 31.

12. Section 31 of the Principal Act is amended in subsection (2) by repealing paragraph (e).

PART FOUR AMENDMENT OF THE PUBLIC FINANCE MANAGEMENT ACT, NO. 12 OF 2016

Construc-
tion.

13. This Part shall be read as one with the Public Finance Management Act, No. 12 of 2016 in this Part referred to as the “Principal Act”.

14. The Principal Act is hereby amended by adding a new section 133C immediately after section 133B as follows: Addition of a new section 133C.

133C.-(1) Subject to the provisions of any relevant laws or other laws, the Minister may, by Order published in the Official Gazette, exempt the whole or part of the tax, duty, levy, fee or any other charge. Exemption.

(2) Notwithstanding the provisions of any relevant or other laws, the Minister may, by Order published in the Official Gazette, exempt the whole or part of the tax, duty, levy, fee or any other charge on public interest as may be approved by the Revolutionary Council.

(3) The Minister shall set procedures for administration of exemption under this section.

PART FIVE AMENDMENT OF THE VALUE ADDED TAX ACT, NO. 4 OF 1998

15. This Part shall be read as one with the Value Added Tax Act, No. 4 of 1998 in this Part referred to as the “Principal Act”. Construction.

16. Section 3 of the Principal Act is amended in subsection (4) by deleting the words “the United Republic of Tanzania Treasury” appearing between the words “to” and “according” and replacing them with the words “Tanzania Revenue Authority”. Amendment of section 3.

PART SIX AMENDMENT OF THE STONE TOWN CONSERVATION AND DEVELOPMENT AUTHORITY ACT, NO. 4 OF 2010

17. This Part shall be read as one with the Stone Town Conservation and Development Authority Act, No. 4 of 2010 in this Part referred to as the “Principal Act”. Construction.

Amendment
of section 7.

18. Section 7 of the Principal Act is amended by:

- (a) adding a new paragraph (g) immediately after paragraph (f) as follows:

“(g) to allow any commercial investment, residential and any other activity within the Stone Town of Zanzibar subject to the Stone Town Conservation and Heritage Management Plan;”

- (b) renumbering the remaining paragraphs respectively.

Amendment
of section
11.

19. Section 11 of the Principal Act is amended by:

- (a) in subsection (1):

(i) in paragraph (c) deleting the word “Zanzibar” and substituting for it with the word “Urban”;

(ii) in paragraph (d) deleting the word “Archives,”;

- (b) in subsection (3) deleting the words “section 10 of the Public Investment Act” and substituting for them with the words “provisions of the Public Service Act”.

Amendment
of section
12.

20. Section 12 of the Principal Act is amended by adding a new paragraph (e) immediately after paragraph (d) as follows:

“(e) oversee the administration of the Stone Town Conservation Fund”.

Addition of
a new Part
VA.

21. The Principal Act is amended by adding a new Part VA immediately after Part V as follows:

PART VA
ESTABLISHMENT OF STONE TOWN
CONSERVATION FUND

Establish-
ment of
Stone Town
Conservation
Fund.

40A. There shall be a Stone Town Conservation Fund which shall be vested to the Board and administered by the Director General in accordance with the directives of the Board.

Purposes
of the
Fund.

40B. The purposes of Fund shall be to:

- (a) collect funds from various sources and finance in investment, programs and projects; and
- (b) utilize Fund effectively and efficiently for preservation; upgrading; renovation; rehabilitation and maintenance of infrastructure, recreation areas, open spaces and gardens within the Stone Town of Zanzibar

Sources
of the
Fund.

40C. The sources of Fund shall be:

- (a) upfront payment from investment within Stone Town;
- (b) levies paid by persons investing in World Heritage Site or person beneficiary of the World Heritage Site Services;
- (c) land lease rent collected within the World Heritage Site;
- (d) five percent from Infrastructure Fund of the Government;
- (e) properties tax collected within the World Heritage Site;
- (f) grants, gift, donations, bequest and other contribution made to the Authority;

- (g) proceeds from Investments made by the Fund;
- (h) fees, fine or charge imposed by the Authority; and
- (i) any other lawful payments or properties received for the purpose of investment or development within the Stone Town of Zanzibar.

Expendi-
ture
of the
Fund.

40D.-(1) The expenditure of the Fund shall be for investment, conservation, preservation, upgrading, renovation, rehabilitation and maintenance of infrastructure, recreation areas, open spaces and gardens within the Stone Town of Zanzibar.

(2) Without prejudice the provisions under subsection (1) of this section, the Fund shall be used upon the approval of the Board.

Statement
and report of
the Fund's
Account.

40E. The Fund shall be audited and reported in accordance with the Public Finance Management Act.

Amendment
of section
33.

22. Section 33 of the Principal Act is amended in subsection (3) by adding the words “responsible for Lands” between the word “Minister” and the word “shall”.

Amendment
of section
34.

23. Section 34 of the Principal Act is amended by:

- (a) in sub section (1):
 - (i) adding the words “responsible for Lands” between the word “Minister” and the word “approves”;
 - (ii) deleting the words “of Lands and Registration” between the words “the Director” and the word “shall” by substituting them with the words “responsible for Lands”;

- (b) in subsection (2) adding the words “responsible for lands” after the word “Minister”.

24. Section 41(1) of the Principal Act is amended by:

Amendment
of section
41.

- (a) in paragraph (a) deleting the words “grants, gift, donations, bequest and or other contribution made to the Authority”;
- (b) repealing paragraph (b) thereof;
- (c) renumbering the remaining paragraph respectively.

25. Section 42 of the Principal Act is amended by:

Amendment
of section
42.

- (a) in subsection (1):
- (i) deleting the number (1);
- (ii) deleting the words “from the following.”;
- (b) repealing subsections (2), (3) and (4) thereof.

PART SEVEN
AMENDMENT OF THE NATIONAL LEADERS HONOURING
ACT, NO. 5 OF 2019

26. This Part shall be read as one with the National Leaders Honouring Act, No. 5 of 2019 in this Part referred to as the “Principal Act”.

Construc-
tion.

27. Section 4 of the Principal Act is amended in subsection (2) by adding new paragraph (g) immediately after paragraph (f) as follows:

Amendment
of section 4.

“(g) bust image of other Presidents who have held the post of Zanzibar presidency and short information describing their periods of presidency.”

Repealing
and
Replaceme-
nt of
section 8.

28. Section 8 of the Principal Act is repealed and replaced with a new section 8 as follows:

A Week of
Honouring
State Lead-
ers, Found-
ers of
Zanzibar
Revolution
and the First
Afro Shirazi
Party
Secretary.

8.-(1) There shall be a Week of Honouring State Leaders, Founders of Zanzibar Revolution and the First Afro Shirazi Party Secretary from 1st to 6th April of every year.

(2) Week of Honouring State Leaders, Founders of Zanzibar Revolution and the First Afro Shirazi Party Secretary shall include various activities that aimed at honouring them.

(3) 7th day of April of each year shall be a Karume Day which shall be a public holiday and the Minister, after consultation with the Revolutionary Council, shall specify a place for performing the memorial activities of the day.

(4) Karume Day shall be a Memorial day for the late Sheikh Abeid Amani Karume where different activities shall be conducted to indicate remembrance of his excellent achievements and outstanding Leadership.

(5) For the purpose of this section “Founders of Zanzibar Revolution” means Zanzibaris who led the movement of the Zanzibar Revolution of 1964 under the leadership of the late Sheikh Abeid Amani Karume as prescribed in the Schedule of this Act;”.

Amendme-
nt of
section 14.

29. Section 14 of the Principal Act is amended in subsection (3) by deleting the words “for the purpose of mourning”.

SCHEDULE
THE FOUNDERS OF THE ZANZIBAR REVOLUTION
OF 1964

[Made under section 8(5)]

S/N	NAME
1	RETIRE COLONEL, THE LATE SEIF BAKARI OMAR
2.	RETIRE BRIGADIER GENERAL, THE LATE RAMADHAN HAJI FAKI
3.	THE LATE MOHAMED ABDALLA KAUJORE
4	THE LATE SAID IDDI BAVUAI
5.	THE LATE HAMID AMEIR ALI
6.	THE LATE PILI KHAMIS MPERA
7.	THE LATE SAID WASHOTO MNYUKE
8	RETIRE SENIOR ASSISTANT COMMISSIONER OF POLICE, THE LATE KHAMIS DARWESH MDINGO
9.	THE LATE HAFIDH SULEIMAN ALMASI
10.	RETIRE COMMISSIONER OF POLICE, THE LATE EDDINGTON HERBERT KISSASSI
11.	RETIRE MAJOR GENERAL, THE LATE ABDALLA SAID NATEPE
12.	RETIRE BRIGADIER GENERAL, THE LATE YUSSUF HIMID MAFTAH
13.	THE LATE ABDULLA M FARANYAKI

OBJECTS AND REASONS

The purpose of this Bill is to propose amendments of various laws as hereunder indicated. The amendments proposed are for the purpose of addressing challenges arising from the implementation of the respective laws.

This Bill is divided in seven parts:

Part One: provides for preliminary provisions which includes short title and commencement and amendment of various laws.

Part Two: is all about amendment of the Office of Director of Public Prosecution Act, No. 2 of 2010. In this part, it is proposed to make amendment of section 5 of the Principal Act in subsection (1) by adding the words “departments, divisions and” before the word “units” and repealing and replacing subsection (2) which confers powers to the Director of Public Prosecution to appoint the heads of departments, divisions and units.

Part Three: provides for amendment of the Zanzibar Tourism Act, No. 6 of 2009. This part makes amendment of section 5 in subsection (1) by deleting paragraph (a) and substituting it with a new paragraph (a) which is about the appointment of Chairman and now the post of Chairman is not permanent, repealing subsection (2) and replacing it with a new subsection (2) that is the appointment of Vice Chairman, adding a new section 5A that is relating with the Secretary of the Commission, adding a new section 5B concerning with the tenure of the Commission, repealing section 6, making amendment in section 8 by deleting subsections (2) and (3) and replacing them with new subsections (2) and (3), adding a new section 23C immediately after section 23B which is the Tourism and Diplomatic Police and amendment of section 31 in subsection (2) by deleting paragraph (e).

Part Four: is all about amendment of the Public Financial Management Act, No. 12 of 2016. This part makes amendment of the Principal Act by adding a new section 133C immediately after section 133B which tax exemption.

Part Five: deals with the amendments of the Value Added Tax Act, No. 4 of 1998 on which it makes amendment of section 5 of the Principal Act in subsection (4) by repealing the words “the United Republic of Tanzania Treasury” appearing between the word “to” and “according” and replace it with the words “Tanzania Revenue Authority”.

Part Six: deals with the amendment of the Stone Town Conservation and Development Authority Act, No. 4 of 2010. This part makes amendment in section 7 of the Principal Act by adding a new paragraph (g) immediately after paragraph (f), amendment of section 11 of the Principal Act in subsection (1) and subsection (3) by deleting the words “section 10 of the Public Investment Act” and substituting for them with the words “provisions of the Public Service Act”, amendment of section 12 by adding a new paragraph (e) immediately after paragraph (d), adding a new Part VA immediately after Part V concerning with the establishment of the Stone Town Conservation Fund, amendment of section 33 of the Principal Act in subsection (3) by adding the words “responsible for Lands” between the word “Minister” and “shall”, amendment of section 34 of the Principal Act in subsections (1) and (2), amendment of section 41 of the Principal Act in subsection (1) and amendment of section 42 of the Principal Act by deleting the number (1) of the subsection (1), deleting the words “from the following” at the end of subsection (1) and repealing subsections (2), (3) and (4).

Part Seven: deals with the amendment of the National Leaders Honouring Act, No. 5 of 2019 and makes amendment of section 4 of the Principal Act by repealing section 8 of the Principal Act replacing it with new section 8 that relates honouring State Leaders. Founders of Zanzibar Revolution and the First Afro Shirazi Party Secretary and amends section 14(3) of the Principal Act by deleting the words “for the purpose of mourning”.

Zanzibar
23rd November, 2021

DR. MWINYI TALIB HAJI
ATTORNEY GENERAL
ZANZIBAR

