

A BILL
for
AN ACT TO AMEND VARIOUS LAWS AND MAKE BETTER
PROVISIONS THEREOF

ENACTED by the House of Representatives of Zanzibar

PARI ONE
PRELIMINARY PROVISIONS

Short title
and
Commence-
ment.

1. This Act may be cited as Miscellaneous Amendment Act, 2016 and shall come into operation immediately after being assented to by the President.

PART TWO
AMENDMENT OF THE LABOUR RELATION ACT,
NO. 1 OF 2005

Construc-
tion.

2. This part shall be read as one with the Labour Relation Act, No. 1 of 2005 in this part referred as the Principal Act.

Amendme-
nt of
section
81.

3. Section 81(1) of the Principal Act is hereby amended by repealing paragraph (a) and replacing with a new paragraph (a) as follows:

"(a) The Presiding Judge of the Zanzibar Industrial Court shall be appointed by Chief Justice from among the Judges of the High Court".

PART THREE
AMENDMENT OF THE MAGISTRATES' COURT ACT,
NO. 6 OF 1985

Construc-
tion.

4. This part shall be read as one with the Magistrates' Court Act, No. 6 of 1985 in this part referred as the Principal Act.

Amendme-
nt of
section 5.

5. Section 5(2) of Principal Act is hereby amended in paragraph (a) by deleting the word "certificate" and replacing by the words "First Degree".

Amendment of section 7.

6. Section 7 of the Principal Act is hereby amended by inserting the words "English or" between the word "be" and "Kiswahili".

Amendment of section 10.

7. Section 10(2) of Principal Act is hereby amended by deleting the word "a diploma or" which appears between the words "holds" and "a".

PART FOUR
AMENDMENT OF THE ZANZIBAR COMMERCIAL COURT
ACT, NO. 9 OF 2013

Construction.

8. This part shall be read as one with the Zanzibar Commercial Court Act, No. 9 of 2013 in this part referred as the Principal Act.

Amendment of section 37.

9. Section 37 of the Principal Act is hereby repealing and replaced by a new section 37 as follows:

"37. Deputy Registrar shall be appointed by the Chief Justice from among the Deputy Registrars of the High Court".

PART FIVE
AMENDMENT OF THE DRUGS AND PREVENTION OF
ILLCIT TRAFFIC DRUGS ACT, NO. 9 OF 2009

Construction..

10. This part shall be read as one with the Drugs and Prevention of Illicit Traffic Drugs Act, No. 9 of 2009 in this part referred as the Principal Act.

Amendment of section 4.

11. Section 4(2) of the Principal Act is hereby amended as follow:-

(a) by repealing paragraph (a) and replaced with new paragraph (a) as follows:

(a) Chairperson who shall be appointed by the President;

(b) by repealing paragraph (b) thereof;

(c) by re-arranging the remaining paragraph in order.

Amendment of section 5.

12. Section 5(2) of the Principal Act is hereby amended by deleting the words "of State, First Vice President's Office".

13. Section 63(1) of the Principal Act is hereby repealed and replaced by a new section 63(1) as follows:

Amendment
of section
63.

Power to
make
Regulations,
Rules and
Guidelines.

63.-(1) Subject to the other provisions of this Act, the Minister may, make Regulations, Rules and Guidelines for the better carrying out the purposes of this Act.

PART SIX
AMENDMENT OF THE PUBLIC PRIVATE PARTNERSHIP
ACT, NO. 8 OF 2015

14. This part shall be read as one with the Public Private Partnership Act, No. 8 of 2015 in this part referred to as the Principal Act.

Construction.

15. Section 2 of the Principal Act is hereby amended by:

Amendment
of section
2.

(a) repealing the definition of Minister and replacing with a new definition as follows:

“Minister” means the Minister responsible for Finance.

(b) adding definition of the word “financial close” in it’s alphabetical order, as follows:

“Financial Close” means the stage when all the project and financing agreements have been signed;”

16. Section 21 of the Principal Act is hereby amended by repealing paragraph (c) and replaced with a new paragraph (c) as follows:

Amendment
of section
21.

"(c) to recover funds spent on the public private partnership process at financial close".

17. Section 35(2) of the Principal Act is hereby amended by repealing paragraph (c) and replaced with a new paragraph (c) as follows:

Amendment
of section
35.

"(c) the present value of the future direct payments by the Public Authority, if any:"

Amendment of section 38. **18.** Section 38(5) of the Principal Act is hereby repealed and replaced with a new sub section (5) as follows:

"(5) The Attorney General's Chambers shall provide a legal opinion within two months on the Agreement to the Ministry of Finance".

Amendment of section 46. **19.** Section 46(3) is hereby amended by deleting paragraph (f) and replaced with the new paragraph (f) as follows:

“(f) any requirements relating to the establishment of the business organization, including minimum amount of capital of a legal entity incorporated in accordance with the provisions of laws;”

PART SEVEN

AMENDMENT OF THE ZANZIBAR PUBLIC LEADERS CODE OF ETHICS ACT, NO 4 OF 2015

Construction. **20.** This Part shall be read as one with the Zanzibar Public Leaders Code of Ethics Act, No. 4 of 2015 in this part referred to as the Principal Act.

Amendment of Second Schedule. **21.** The Principal Act hereby is amended in the Second Schedule as follows:

(a) in **section two**, by deleting table (c) and replacing with the new table (c) as follow:

(c) **Money on Bank account or Finance Institutions outside of Zanzibar:**

(State countries which you have bank accounts)

(1) Name of the Bank/ Finance Institution and Place	(2) Account Number	(3) Amount	(4) Source of Finance	(5) Profit from the account	(6) Self expenditure business

(b) in **section three**, by deleting table (g) and replacing with the new table (g) as follow:

(g) Motor vehicle and other means of transport, (boat, airplane, engine) in and out of Zanzibar

(1) Type	(2) Registration Number	(3) Chesses Machine Number	(4) Value	(5) Source of finance purchased	(6) Place where held	(7) Personal use\ business

PART EIGHT

AMENDMENT OF THE ZANZIBAR TRADE ACT, NO. 14 OF 2013

22. This Part shall be read as one with the Zanzibar Trading Act, 14 of 2013 Construction. in this part referred to as the Principal Act.

Amedment
of section
of 3.

23. Section 3 of the Principal Act is hereby amended by adding the definition of the word “electronic viscal device” in its alphabetical order, as follows:

“electronic fiscal divices” means a machine designed for use in business for efficient management controls in areas of sales analysis and stock control system which comforms with the requirements including Z-reports from all electronic tax register, electronic device printer and electronic signature device;”

Amedment
of section
of 23.

24. Section 23 of the Principal Act is hereby amended by adding new sub section (2) immediately after sub section (1) as follows:

(2) For the purpose of contolling the government revenue and availability of accurate sales transactions, there is hereby established the use of electronic fiscal device.

PART NINE
AMENDMENT OF THE KIZIMBANI AGRICULTURAL
INSTITUTE ACT, NO. 5 OF 2007

Construction.

25. This part shall be read as one with the Kizimbani Agricultural Institute Act, No.5 of 2007 in this part referred to as the Principal Act.

Amedment
of section
of 7.

26. Section 7 of the Principal Act is hereby amended by adding new sub section (2) immediately after sub section (1) as follows:

“(2) The Council may establish the research committee and any other committee for the better performance of the functions of the Council.”

Amedment
of section
of 9.

27. Section 9 of the Principal Act is hereby amended as follows:

(a) by inserting the word “ General “after the word “Director” which appears in sub section (1) and in any other sections of this Act.

(b) by adding new sub section (5) immediately after sub section (4) as follows:

“(5) The President may appoint a Deputy Director General who shall perform his duties under the directive of the Director General.”

PART TEN
AMENDMENT OF THE ZANZIBAR CONSTITUENCY
DEVELOPMENT FUND ACT, NO. 4 OF 2012

28. This part shall be read as one with the Zanzibar Constituency Development Fund Act, No. 4 of 2012, in this part referred to as the Principal Act.

Construction.

29. Section 9 of the Principal Act is hereby amended as follows:

Amendment
of section
of 9.

(a) in sub section (2) by adding new paragraph (e) immediately after paragraph (d) as follows:

“(e) Director of the respective Local Government who shall be a secretary of the Committee”

(b) by repealing sub section (3) and replaced with the new sub section (3) as follows:

“(3) The Committee may, whenever necessary co-opt any expert to provide advice during its meeting, but such expert shall not have the right to vote.”

OBJECTS AND REASONS

The objects of this Bill is to propose amendment into various laws as hereunder indicated. Those changes are proposed for the purpose of rectifying some errors appeared thereon and also for the better carrying out the purpose of each of the respective law thereon. The Bill contains Ten Parts as briefly hereunder stated:

Part one is about preliminary provisions which include short title and commencement of the proposed Act.

Part Two is about amendment of the Labour Relations Act, No. 1 of 2005. In this part, section 81 proposed to be amended as to the effect that, the appointment of Presiding Judge of the Industrial Court to be made by the Chief Justice instead of the President.

Part Three is about amendment of the Magistrate's Courts Act, No. 6 of 1985. In this part, it is proposed to make amendment on sections 5, 7 and 10.

Part Four is about amendment of the Zanzibar Commercial Court Act, No. 9 of 2013. It is proposed to make amendment of section 37 in respect of appointed of Deputy Registrar to work in the Zanzibar Commercial Court.

Part Five dealing with amendment of the Drugs and Prevention of Illicit Traffic Drugs Act, No. 9 of 2009. It is proposed to amend. Section 4(2) relating to the composition of the Commission. In this amendment, it is proposed to delete the First Vice President as a Chairperson and instead to give powers to the President to appoint Chairperson of the Commission. Also to amend section 5(2) and to repeal section 63(1) and replaced with the new section as to the effect that, powers to make Regulation to be vested to the Minister instead of Commission.

Part Six is about amendment of the Public Private Partnership Act, No. 8 of 2015. In this part it is proposed to amend sections 2, 35, 38 and 38.

Part Seven is about amendment of the Zanzibar Public Leaders Code of Ethics Act, No. 4 of 2015. In this Part it is proposed to amend the Second Schedule in part two and part three, by deleting table (c) and (g) and replaced by the new tables (c) and (g) respectively.

Part Eight, is about amendment of the Zanzibar Trading Act, 14 of 2013, whereby it is proposed to make amendment in section 2 to add the interpretation of the word “electronic fiscal device” and also to amend section 23 to introduce the application of electronic viscal device in all business transaction in Zanzibar.

Part Nine is about amendment of the Kizimbani Agricultural Institute Act, No.5 of 2007. In this Part it is proposed to amend section 7 to give power to the Council to establish any committee, and to amend section 9 by adding the word General after the word Director, and also to add new sub section (5) to give powers to the President to appoint Deputy Director General.

Part Ten is about amendment of the Zanzibar Constituency Development Fund Act, No. 4 of 2012, which proposed to make amendment in section 9 by deleting paragraph (e) of sub section (2) and replaced with the new one to make Director of any respective local government to be the Secretary to the Committee. And also to amend sub section (3) as to the effect that, to give powers to the Committee to co-opt any person to attend in its meetings.

18th day of May, 2016

Said H. Said
Attorney General