

CONTENTS

Page

A Bill for an Act to repeal the Public Seal Act No. 1 of 1985 and the Zanzibar Flag Act No. 1 of 1985 and Zanzibar Flag Act No, 12 of 2004 and enact a Law to provide a better provisions relating to the Zanzibar Flag, Public Seal and Zanzibar National Anthem and other matters connected thereto	421
---	-----

NOTICE

A Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 23rd day of November 2016, and is gazetted for the public notice incorporating together with its objects and reasons.

ZANZIBAR
01st November, 2016

(Dr. ABDULHAMID Y. MZEE)
*Secretary to the Revolutionary
Council and Chief Secretary*

**A BILL
for**

**AN ACT TO REPEAL THE PUBLIC SEAL ACT NO. 1 OF
1985 AND THE ZANZIBAR FLAG ACT NO. 12 OF 2004 AND
ENACT A LAW TO PROVIDE FOR BETTER
PROVISIONS RELATING TO THE ZANZIBAR FLAG,
THE PUBLIC SEAL AND ZANZIBAR NATIONAL
ANTHEM ACT OF 2016 AND OTHER MATTERS
CONNECTED THERETO**

ENACTED by the House of Representatives of Zanzibar.

PART I PRELIMINARY PROVISIONS

Short title
and
commen-
cement.
Interpre-
tation.

1. This Act may be cited as the Zanzibar Flag, Public Seal and Zanzibar National Anthem Act, 2016 and shall come into force on a date as the Minister may, by notice published in the Gazette, appoint.

Interpreta-
tion.

2. In this Act unless the context otherwise requires:

“Likeness” includes a photographic or pictorial reproduction, a sketch, a painting or any other form of reproduction or representation whatsoever and of any size or shape whatsoever;

“Minister” means the Minister responsible for Zanzibar Flag, Public Seal and Zanzibar National Anthem affairs.

“Public Seal” means the coat of arm of the Revolutionary Government of Zanzibar as specified under Second Schedule of this Act;

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

“Zanzibar Flag” means a National flag of the Revolutionary Government of Zanzibar as prescribed in the First Schedule of this Act;

“Zanzibar National Anthem” means the national Anthem of Zanzibar referred to under Section 5 of this Act.

PART II
ZANZIBAR FLAG, PUBLIC SEAL AND ZANZIBAR
NATIONAL ANTHEM

3. There shall be a Zanzibar Flag which shall be of the description as specified in the first Schedule of this Act. Zanzibar
Flag.

4.-(1) There shall be a Public Seal as prescribed under section 3(1) of the Zanzibar Constitution of 1984. Public Seal.

(2) The Public Seal shall be and shall be deemed to have been the public seal of the Revolutionary Government of Zanzibar as specified in the Second Schedule of this Act.

5.-(1) There shall be a Zanzibar National Anthem which shall be of the description as specified in the third Schedule of this Act. Zanzibar
National
Anthem

(2) The National Anthem under subsection (1) of this section shall be in the form of text or music or both.

6. The Zanzibar Flag, Public Seal and Zanzibar National Anthem shall be used in such places where there are no restrictions under the law regarding the use of flags, public seal or Zanzibar National Anthem. Use of
Zanzibar
Flag, Public
Seal and
Zanzibar
National
Anthem

7. A person shall not use the Zanzibar flag, public seal and Zanzibar National Anthem or any likeness of them: Unlawful
use of
Zanzibar
flag,
public
seal and
Zanzibar
National
Anthem

(a) as a trade mark for any article sold or offered for sale;

(b) on any article either attached thereto or reproduced thereon, which is sold, offered for sale or intended to be sold or offered for sale;

- (c) on any article, either attached thereto or reproduced thereon which is used by any person otherwise than for a purpose approved by the Minister;
- (d) in furtherance of or as an advertisement for any trade, business, industry, calling or profession.
- (e) as political party Logo;
- (f) as decorative or Artistic element;
- (g) over printed with word or images; or
- (h) in any manner or place prohibited by the laws.

Powers of
a Minister
to make
regulations.

8.-(1) The Minister may make regulations for the better carrying out of the purposes and provisions of this Act.

(2) Without prejudice the general power of the Minister under subsection (1) of this section, the Minister may make regulations specifically in matters relating to:

- (a) specification of size, colour and ratio of the Zanzibar Flag and Public Seal;
- (b) specification of note and tones of the Zanzibar National Anthem;
- (c) prescribing the Zanzibar Flag, Public seal and Zanzibar National Anthem users;
- (d) prescribing the occasions upon display of Zanzibar Flag, Public seal and Zanzibar National Anthem;
- (e) dignity and respect of the Zanzibar Flag, Public seal and Zanzibar National Anthem;

- (f) use of Zanzibar Flag and Public Seal on and in Government and private buildings;
- (g) use of Zanzibar Flag and Public Seal in Special Departments' Uniforms;
- (h) use of Zanzibar Flag, Public Seal and Zanzibar National Anthem by sport bodies;
- (i) placement of Zanzibar Flag and Public Seal on official documents and publications;
- (j) Zanzibar Flag and Public Seal protocol;
- (k) use of Zanzibar National Anthem in public and private Schools;
- (l) in company with non National Flag and Public Seal;
- (m) parade and ceremonies;
- (n) half masting;
- (o) printing and production; and
- (p) issue of disposal.

(3) The Minister shall not exercise the power confer under sub section (2) (a) and (b) of this section, without approval of the Revolutionary Council.

9.-(1) The Minister may, subject to such terms and conditions as the Minister may deem fit to impose, and by writing under his hand, exempt any person or class of persons or any article or category of articles from any or all of the provisions of section 7 of this Act.

Minister
may
exempt
with or
without
conditions.

(2) A person who contravenes the term or conditions under section 9 of this Act commits an offence and upon conviction shall be liable to a fine of not less than one million and not more than ten million Tanzania Shillings or to imprisonment for a term not less than one year and not more than five years or to both such fine and imprisonment.

PART III OFFENCES AND PENALTIES

Insulting
the
Zanzibar
Flag,
Public
Seal or
Zanzibar
National
Anthem

10. A person who do any act or utters any word or publishes any writing with intent to insult or bring into contempt or ridicule the Zanzibar Flag, Public Seal or Zanzibar National Anthem commits an offence, and upon conviction shall be liable to a fine not less than one million and not more than ten million Tanzania Shillings or to imprisonment for a term not less than one year and not more than five years or to both such fine and imprisonment.

General
Penalty.

11. A person who contravenes any provisions of this Act the penalties of which are not specified shall be liable to a fine of not less than one million and not more than ten million Tanzania Shillings or to imprisonment for a term not less than one year and not more than five years or to both such fine and imprisonment.

Repeal
and
Saving.

12.-(1) The Public Seal Act No 1 of 1985 and the Zanzibar Flag Act No. 12 of 2004 are repealed.

(2) Notwithstanding the repealed Acts under sub-section (1) of this section, anything done or action taken under the provisions of the repealed Acts, shall be deemed to have been done under the provisions of this Act.

SCHEDULE I

{Made Under Section 3}

A rectangular flag divided into three equal portions horizontally; the bottom portion is green (signifying the land of Zanzibar), the middle portion is black (signifying the colour of the people of Zanzibar) and the top portion is light blue (signifying the sea and sky surrounding Zanzibar); with an insertion of the Tanzania National Flag at the top of the left hand corner. The flag also includes white strip at left from top to bottom of the following design.



Colour indicator:

Blue: Cyan 70.36%, Magenta 34.04%, Yellow 0%, Black 0%

Black: Cyan 75.02%, Magenta 67.97%, Yellow 67.02%,
Black 90.16%

Green: Cyan 84.3%, Magenta 13.07%, Yellow 100%,
Black 2.74%

White: Cyan 0%, Magenta 0%, Yellow 0%, Black 0%

SCHEDULE II

{Made Under Section 4}

The Public Seal of Zanzibar consists of an oval shape which bears a coconut tree on left and clove tree on the right, the two Islands of Zanzibar (Unguja and Pemba) on the center of the oval, piece of land and Sea underneath the trees. A crown on top of the oval with words “SMZ” inscribed on it. Supporting the oval is an axe on the left side and Machete on right side. Below there shall be a base holding the Oval, Axe and Machete with words “SERIKALI YA MAPINDUZI ZANZIBAR”



SCHEDULE III

{Made Under Section 5}

THE ZANZIBAR NATIONAL ANTHEM

God has blessed us all, Unguja and Pemba.

We applaud those which has brought the republic.

God has blessed us all, Unguja and Pemba

OBJECTS AND REASONS

The objects of this bill is to enact the Zanzibar Flag, Public Seal of the Revolutionary Government of Zanzibar and the Zanzibar National Anthem and repeal Zanzibar Flag Act No. 12 of 2004 and Public Seal Act No. 1 of 1985 in line with the needs and circumstances of the present and the future.

Due to the absence of Act governing the Zanzibar National Anthem, it proved the need for inclusion in this Act to regulate the identity of Zanzibar and her Government.

For the realization that Zanzibar National Anthem is used without any proper use of Act and direction. Therefore, in case there is in proper use of its anthem there is no place to refer to or to punish those who use contrary to the intended purpose.

It also proved that, it is not wise the existence of two separate Acts governing important national symbol and managed by different authorities. These Acts are the Zanzibar Flag Act No. 12 of 2004 and Public Seal Act No. 1 of 1985, so it is preferable to have one Act that allows proper procedures to use National symbol that is, Zanzibar Flag, Public Seal of the Revolutionary Government of Zanzibar and the Zanzibar National Anthem.

In addition to the absence of legal instructions on the combination of colours of the Zanzibar Flag and Public Seal containing a mixture of different colours are among leading up to see the need to improve the law.

And finally the absence of a legal system regulating offenses and penalties that governing the implementation of the Zanzibar National Flag and Public Seal Acts.

This Bill is divided into three (3) Parts.

The first part, convey the short title, commencement and interpretation.

The Second part, prescribe Zanzibar Flag, Public Seal of the Revolutionary Government of Zanzibar and the Zanzibar National Anthem, use the Zanzibar Flag, Public Seal and the Zanzibar National Anthem, unlawful use of Zanzibar Flag, Public Seal and the Zanzibar National Anthem, the power of the Minister to make regulations and the Minister may exempt with or without conditions.

The third part, elaborates the offences, penalties, repeals and Saving.

ZANZIBAR

1ST November, 2016.

{ MOHAMED ABOUD MOHAMED }

*Minister of State, Second Vice
President's Office*

