

THE ZANZIBAR TRADING ACT, 1989.

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ACT NO.4 OF 1989

I ASSENT

Idris Abdul Wakil

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

31st July, 1989.

AN ACT TO REPEAL THE ZANZIBAR TRADING ACT
AND PROVIDE FOR BETTER PROVISIONS FOR THE
ESTABLISHMENT OF TRADE SYSTEM, CENTRAL
TENDER BOARD AND MATTERS CONNECTED THEREWITH.

ENACTED BY THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.

PART I
PRELIMINARY

Short title
and
commencement.

1. This Act may be cited as the Zanzibar
Trading Act, 1989 and shall be deemed to have come
into operation immediately upon being assented to by
the President.

Interpretation

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

"Advisory Board" means the Trade Advisory
Board established under section 3 of
this Act;

Act No.4/78

"Board of Directors" means the Board of Directors
of the respective enterprises appointed under
the Public Enterprises Decree;

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- "Government" means the Revolutionary Government of Zanzibar;
- "Goods" includes all kinds of articles, wares, merchandise and livestock;
- "Management Council" means Management Council of the respective Ministry established under the Management Council Act;
- "Minister" means the Minister for the time being responsible for Trade in Zanzibar;
- "Non-traditional item" means items not exported by the Government;
- "President" means the President of Zanzibar and Chairman of the Revolutionary Council;
- "Tender Board" means the Central Tender Board established under section 8 of this Act.

PART II

TRADE ADVISORY BOARD

Establishment of an Advisory Board.

3. There is hereby established a Board under the Ministry of Trade and Industries to be known as the Trade Advisory Board.

Composition.

4.(1) The Advisory Board shall consist of a Chairman who shall be appointed by the President and such other members appointed by the Minister whose number shall not be less than seven and not exceed ten.

(2) There shall be Executive Director appointed by the Minister who shall be the Secretary of the Advisory Board.

(3) There shall be members of the staff to the Advisory Board working under the Executive Director who shall include technocrats in different fields of learning whose number shall depend on volume of work and the need of their expertise.

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Functions and duties of the Advisory Board.

5. Subject to the provisions of this Act the Advisory Board shall perform the following duties and functions :-

- (a) to seek information related to sale and purchase of consumer goods and other commodities and advise the Government institutions and parastatals on the same;
- (b) to seek confidential commercial and business information in the world and conserve the same;
- (c) to seek information on the availability of quality goods and at a low price;
- (d) to advertise Zanzibar commercially in business circles and world market and shall be a link between commercial institutions and similar institutions in other countries;
- (e) to advise the Government through the Ministry of Trade and Industries on the world business trend and in importation or exportation of goods outside Zanzibar;
- (f) to perform any other duty assigned to it by the Minister.

Tenure of office.

6. The members of the Advisory Board shall hold office for a period of three years and may upon the expiration of such period be eligible for re-appointment.

Meeting and quorum of Advisory Board.

7. The Advisory Board shall regulate its own procedures:

Provided that in any Board meeting more than half of the members present shall constitute a quorum.

PART III

CENTRAL TENDER BOARD

Establishment
of Tender
Board.

8. There is hereby established under the Ministry of Finance a Board to be known as the Central Tender Board.

Composition.

9.(1) The Central Tender Board shall consist of the following :-

- (a) The Accountant General who shall be the Secretary;
- (b) one member from each of the following Ministries who shall be appointed by the Minister responsible for Finance :-
 - (i) Ministry of Water, Construction and Energy;
 - (ii) Ministry of Communication and Transport;
 - (iii) Ministry of Health;
 - (iv) Ministry of Trade and Industries;
- (c) two members from the House of Representatives.

(2) The Chairman of the Tender Board shall be appointed by the President.

Duties and
functions of
the Tender
Board.

10. The Tender Board shall deal with and approve all tenders for services or purchase of goods whose value exceed one million Tanzania shillings for Government Departments and Ministries.

Tenure of
office.

11. The members of the Tender Board shall hold office for a period of three years, and may upon expiration of such period be eligible for re-appointment.

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Meeting and
quorum of
the Tender
Board.

12. The Tender Board shall regulate its own procedure:

Provided that at any meeting of the Tender Board half of the members present shall constitute a quorum.

PART IV

MISCELLANEOUS.

Procedure for
dealing with
tenders.

13.(1) The Tender Board shall deal with tenders in the following manner :-

- (a) by inviting tenders through advertisement in the Official Gazette of Zanzibar, other newspapers or in any other way it deemed fit;
- (b) applications for tenders in sealed envelopes shall be submitted to the Secretary of the Tender Board within the specific time together with all the requisite particulars;
- (c) on receipt of the tenders, the Secretary of the Board shall sign on each of the tender envelopes which shall be kept in a special tender box securely locked until the official day for opening by the Board;
- (d) all tenders shall be opened at the same time, one day after the closing date for submission of the tenders. No tender shall be opened at any other time;
- (e) no tender received after the closing date shall be entertained;
- (f) set out terms and conditions for the tender.

(2) The Tender Board shall not be bound to accept the lowest tender offered.

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(3) The Secretary of the Tender Board shall announce the decision of the Tender Board soon after the tender has been awarded and accepted, such decision shall not be changed unless the person awarded that tender fails to comply with the terms and conditions of the said tender or declare his intention to change or substitute the terms.

Appeals.

14. Any person who is aggrieved by the decision of the Tender Board may appeal to the Minister of Finance whose decision shall be final and shall not be entertained by any court of law.

Expenditure authorized by Board of Directors and Management Council.

15.(1) The Management Council shall approve in their respective Department or Ministry all tenders for services or purchase of goods for such Government Department or Ministry whose value at a time do not exceed one million Tanzania shillings.

(2) The Board of Directors shall approve in their respective Public Enterprises all tenders for services or purchase of goods for that Public Enterprise whose value at a time do not exceed two million Tanzania shillings. Where such expenditure exceeds two million Tanzania shillings the said Public Enterprise shall present the said tender to its parent Ministry for approval.

(3) Tender for any private enterprise which receives import support from Treasury shall be dealt with and approved by the Tender Board.

(4) Where any expenditure by the Government department, Ministry or Public Enterprise involves the use of foreign currency prior application for such expenditure shall be made to the Ministry of Finance for approval.

Minister to increase specified amount.

16. The Minister may from time to time increase the approved amount specified under sections 10 and 15 of this Act.

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Prohibition
of
exportation
of goods
without
authorization
of the
Ministry.

17. No person shall import into, export, or re-export any goods outside Zanzibar without the approval of the Ministry:

Provided that this section shall not apply to -

- (a) goods purchased at either the airport shop or the shop in the customs area and which are supported by receipts issued by either of the above mentioned shops;
- (b) appropriate wearing apparel and personal effects which are proved to the satisfaction of the customs officer to be for personal use.

Procedure
for
exporting
goods.

18.(1) Any person who intends to import into, export or re-export any goods outside Zanzibar shall apply for the same to the Ministry of Trade and Industries.

(2) Upon receipt of such application the Minister may grant the approval for import, export or re-export of any goods outside Zanzibar on such terms and conditions as he deems fit.

(3) The Minister may from time to time impose levy to any person whose approval to import, export or re-export has been granted.

Retention
Scheme.

19.(1) The Minister shall prescribe and maintain a system outlining the percentage of money earned in foreign currency by an exporter of non-traditional items which may be retained by such exporter.

(2) The percentage of foreign currency to be retained pursuant to subsection (1) of this section may vary from item to item or from time to time and may be subject to such conditions as the Minister deems fit.

Offence.

20. Any person who contravenes the provisions of section 17 of this Act shall be guilty of an offence and shall on conviction be liable to a fine of not less than ten thousand shillings and not exceeding twenty thousand shillings and not exceeding twenty thousand shillings. In addition to this penalty the court may make an order for the forfeiture of the goods to the Government.

Regulations.

21. The Minister may make Regulations for the better carrying out of the provisions of this Act and without prejudice to the generality of the foregoing may make regulations -

- (a) prescribing procedures for application for licence for import, export or re-export of any goods outside Zanzibar;
- (b) prescribing fees or levy to be paid;
- (c) prescribing for anything which under this Act is to be or may be prescribed.

Repeal and savings.

22.(1) The Zanzibar Trading Act, No.5 of 1981 is hereby repealed.

(2) Notwithstanding the repeal of the Zanzibar Trading Act, No.5/81 anything done under the provisions of the repealed Act shall be deemed to have been done under the corresponding provision of this Act.

(3) All cases pending immediately prior to the commencement of this Act shall be dealt with in accordance with the provisions of the Zanzibar Trading Act, No.5/81.

Passed in the House of Representatives on the 15th day of June, 1989.



KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.