

ACT No. 13 OF 2008

AN ACT TO AMEND THE
ZANZIBAR ROADS FUND

ACT, No. 2 OF 2001.



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**THE ZANZIBAR ROADS FUND
(AMENDMENT) ACT.**


ARRANGEMENT OF SECTIONS

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ACT NO. 13 OF 2008

I ASSENT


(AMANI ABEID KARUME)
PRESIDENT OF ZANZIBAR

AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL


31st DECEMBER, 2008

AN ACT TO AMEND THE
ZANZIBAR ROADS FUND ACT, NO. 2 OF 2001

ENACTED by the House of Representatives of Zanzibar.

Short title
and
Commence-
ment.

1. This Act may be cited, as the Zanzibar Roads Fund (Amendment) Act, 2008 and shall come into operation immediately after being assented to by the President.

Construction.

2. This Act shall be read as one with the Zanzibar Roads Fund Act, No.2 of 2001, in this Act referred to as the Principal Act.

Amend-
ment of
section 2.

3. Section 2 of the Principal Act is hereby amended as follows: -

- (a) by deleting the definition of the words "Receiver of Revenue";
- (b) by deleting and replacing the interpretation of the following words: -

"Bank" shall have the meaning as defined in the Banking and Financial Institutions Act, No.5 of 2006 of United Republic of Tanzania;

"Fuel Levy" shall have the meaning as defined in the Petroleum Levy Act, No. 7 of 2001;



(c) by adding new definition of the following word:

"Road Maintenance" means all works to preserve riding quality, road shape, drain, culverts, structures and bridges, spot improvement of bad spots to maintain accessibility, resealing, reshaping and regravelling.

Amend-
ment of
section 3.

4. Section 3 of the Principal Act is hereby amended by deleting all the words appearing immediately after the word "Road Fund".

Addition
of a new
section
4A.

5. The Principal Act is hereby amended by adding new section 4A immediately after section 4 as follows:

"Objectives
of the Fund.

4A. The monies deposited to the Fund shall only be used for road maintenance and Fund administrative costs".

Amend-
ment of
section 8.

6. Section 8 of the Principal Act is hereby amended by deleting the words "six months" appearing in paragraph (b) (iii) therein and substituting for the words "one year".

Addition
of a new
section
8A.

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

"Powers of
the Board.

8A. The Board shall, in discharge of its functions, has powers to: -

- (a) enter into a performance agreement with Ministry responsible for Road or any other agency capable to perform road maintenance;
- (b) approve Fund organizational structure and work procedures as may be considered necessary for smooth discharge of the functions and responsibilities of the Fund;
- (c) determine the terms and conditions of services for the employees of the Fund;



- (d) set Staff Regulations and Code of Conducts for the employees of the Fund; and
- (e) set Financial Regulations to be used by the Fund."

Amend-
ment of
section 9.

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

- (a) by deleting subsection (1)(b) and substituting for a new subsection (1)(b) as follows:
 - (i) Principal Secretary, Ministry Responsible for Finance;
 - (ii) Principal Secretary, Ministry Responsible for Roads;
 - (iii) Principal Secretary, Ministry Responsible for Regional Administration, provided that they may appoint a proxy representation.

- (b) by adding new paragraphs (iv) and (v) in subsection (1)(b) immediately after paragraph (iii) as follows: -

"(iv) Two representatives who are potential road user from the private sector to be appointed by the Minister".

Except that the Minister shall consider from among registered associations.

"(v) The Executive Director shall be a member of the Board".

- (c) by deleting the words "two years" appearing in subsection (2) and (3) therein and substituting for the words "three years";
- (d) by repealing sub section (18) and substituting for it with the following new sub section (18) as follows: -

"(18) the Chairman and Members of the Board shall be paid such allowances as the Board may, subject to the approval of the Minister, determine".



- (c) by adding a new subsection (19) immediately after subsection 18 as follows:

"(19) The Board shall appoint the Secretary to the Board among qualified person with minimum of three years experience and knowledge of Laws".

Amend-
ment of
section 10.

9. Section 10 of the Principal Act is hereby amended as follows:-

- (i) by deleting and substituting for a new subsection (1) as follows:-

"(1) The Executive Director shall be appointed by the President and shall be the Chief Executive Officer of the Fund".

- (ii) by deleting subsection (3) and substituting for the following new subsection: -

"(3) In appointing the Executive Director, regard shall be given to appoint a person with at least First Degree or its equivalent from recognised Institution in Road Management or Business Affairs or Legal Matters or Public Administration or Financial Matters, together with five years experience in the related field".

- (iii) by adding a new subsection (4) immediately after subsection (3) as follows: -

"(4) Subject to this Act and the general supervision of the Board, the Executive Director shall be responsible for: -

- (a) the implementation of the policies and programmes of the Board and reporting on them to the Board;
- (b) the proper management of the funds and properties of the Fund;
- (c) the organisation and control of the staff of the Fund;



- (d) the development of an operating plan to guide the Board in achieving its objectives;
- (e) the co-operation with other lead agencies and organisations in the road sector;
- (f) the development of an economic, efficient and cost effective internal management structure;
- (g) providing advice as required on all matters which fall within the area of the Fund's responsibility; and
- (h) performing any other duty necessary for the implementation of this Act as may be assigned to him by the Board."

Amend-
ment of
section 14.

10. Section 14 of the Principal Act is hereby amended as follows: -

- (i) by deleting the words "accounting standards acceptable to the Controller and Auditor General" appearing in sub section (1) and substituting for the words "International Financial Reporting Standards".
- (ii) by deleting sub section (2) and substituting for the following new sub section as follows: -

"(2) The books of account of the Fund shall be audited by the Controller and Auditor General or by an Auditor appointed by him".

Amend-
ment of
section 15.

11. Section 15 of the Principal Act is hereby amended by deleting the words "Minister for Communications and Transport" and substituting for the following words "Minister Responsible for Roads".

PASSED by the House of Representatives on 21st day of October, 2008.

(IBRAHIM MZEE IBRAHIM)
CLERK OF THE HOUSE OF REPRESENTATIVES