

NO. 10 OF 1984



AN ACT TO AMEND THE PENAL  
DECREE

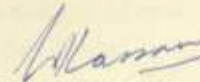
THE PENAL DECREE (AMENDMENT) ACT,  
1984

ARRANGEMENT OF SECTIONS

Section.

1. Short title.
  2. Section 164 on idle and disorderly persons amended.
  3. Section 165 on rogues and vagabonds amended.
  4. Section 248 of the Principal Decree amended and repeal of section 9 of Decree No. 19/65 and Decree No. 18/66.
- (II)(a) Stealing agricultural produce.
- (d) Repeal of section 9 of Decree No. 19/65 and repeal of Decree No. 18/1966.

I ASSENT



ALI HASSAN MWINYI  
THE PRESIDENT OF ZANZIBAR AND  
CHAIRMAN OF THE REVOLUTIONARY  
COUNCIL

1-12 - 1984.

AN ACT TO AMEND THE PENAL DECREE

ENACTED by the House of Representatives of  
Zanzibar.

Short title.

1. This Act may be cited as the Penal Decree  
(Amendment) Act, 1984, and shall be read as one with the  
Penal Decree (Chapter 13 of the laws of Zanzibar and  
hereinafter referred to as the Principal Decree.

Section 164  
on idle and  
disorderly  
persons  
amended.

2. Section 164 of the Principal Decree is  
amended:-

(1) By adding the following new paragraph  
immediately after paragraph (h) of section 164 to be  
numbered as (i)

(i) every person who is dissolute or  
behaving in a manner which would  
likely lead to indecent act or any  
of these.

(2) The penalty provided under section 164 on  
idle and disorderly persons is amended by the following  
penalty:-

".....shall be liable to be sent to  
Offenders Educational Centre for a term  
of not less than one year and not  
exceeding two years with corporal  
punishment not exceeding 6 strokes".

Section 165  
on rogues  
and  
vagrants  
amended.

3. Section 165 of the Principal Decree is amended:-

(1) By adding the following new paragraphs immediately after paragraph (d) to be numbered respectively as (e) and (f):-

(e) Every person who does not have employment as defined under the Zanzibar Human Resources Utilization Act, No. 1 of 1983;

(f) any person who is seen to be in any restricted area which may from time to time be declared so by the Town Council or any other authority (whether such person is asleep or otherwise), and who fails to give reasonable reasons as to why he is there at that material time;

(2) The penalty provided under section 165 on rogues and vagrants is amended by the following penalty:-

".....shall be liable, for the first offence to be sent to Offenders Educational Centre for a term of not less than two years with corporal punishment not exceeding nine strokes, and for every subsequent offence to be sent to the Offenders Educational Centre for a term not exceeding four years with corporal punishment not exceeding twelve strokes.

Section 248  
of the  
Principal  
Decree  
amended and  
repeal of  
section 9 of  
Decree No.  
19/65 and  
Decree No. 18/66.

4. Section 248 of the Principal Decree is amended by adding immediately below subsection (10) new subsection thereof to be numbered as (11) (a), (b) and (c):-

Stealing  
agricultural  
produce.

(II) (a) If the property stolen is an agricultural produce other than the Government property or its Public Enterprise, the Government of the United Republic or the Party or its mass organisations, the offender shall, upon conviction be liable to be sent to Offenders Educational Centre for a term of not less than two years and shall, in addition to such penalty be required to pay, twice the market value of the produce stolen and the proceeds shall then be divided equally between the owner of the produce and the Government;


(b) where the offender fails to pay the fine as provided in subsection (11) (a), he shall be liable to be sent to Offenders Educational Centre for another period of six months;

(c) for the purpose of this subsection, agricultural produce means a product obtained from any type of farming and includes paddy, millet, sorghum, maize, green gram, yams, bananas, potatoes, vegetables, coconuts, beans, pigeon peas, peas, mangoes, citrus fruits, lemons, oranges, bread fruits or the family of any of them and fowls, ducks and birds of the like character and includes raw or wholly or partially manufactured of any of them;

(d) Section 9 of Decree No. 19/65 (Agricultural Produce (Amendment) Decree) is repealed and Decree No. 18/1966 (Agricultural Produce (Amendment) Decree) is also hereby repealed.

Repeal of  
section 9 of  
Decree No.  
19/65 and  
repeal of  
Decree No.  
18/1966.

Passed in the House of Representatives on 11th  
October, 1984.

  
[ IDI P. HASSAN ]  
CLERK TO THE HOUSE OF  
REPRESENTATIVES

SHERIA YA ADHABU (MAREKEBISHO) YA  
MWAKA 1964

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SEHEMU

1. Jina fupi.
  2. Kifungu 164 kuhusu watovu wa adabu na wasio na kasi kinarekebishwa.
  3. Kifungu 165 kuhusu wahuni na wazururaji kinarekebishwa.
  4. Kurekebishwa kwa kifungu 248 cha Sheria ya Msingi na kufutwa kwa kifungu cha 9 cha Sheria Nam. 19/65 na kufutwa sheria Nam. 18/1966.
- (II)(a) Kuliba mazao ya kilimo.
- (d) Kufutwa kwa kifungu Na. 9 cha Sheria Nam. 19/65 na kufutwa kwa Sheria Nam. 18/1966.



SERIKALI YA MAFINDUZI ZANZIBAR

NAM. 10 YA 1984

MAJIBALI



ALI HASSAN MWINYI

RAIS WA ZANZIBAR NA MGENYERETI  
WA BARAZA LA MAFINDUZI

1-12-1984.

KUINGIRISHA SHERIA YA ADHABU

IMETUNGWA na Baraza la Wawakilishi la  
Zanzibar.

Jina fupi.

1. Sheria hii itaitwa Sheria ya Adhabu  
(Marekebicho) ya mwaka 1984, na itasoma pamoja na Sheria  
ya Adhabu (Mlango wa 13 wa Sheria za Zanzibar ambapo humu  
itajulikana kama ni Sheria ya Meingi).

Kifungu 164  
kuhusu watovu  
wa adabu na  
wasio na kazi  
kinarekebisha.

2. Kifungu 164 cha Sheria ya Meingi kinarekebisha:-

(1) Ewa kuongeza kifungu kipya mara baada ya  
kifungu (h) cha kifungu 164 kitachojulikana kama ni (1):-

(1) mtu ye yote ambaye ni mfasiki na mspotovu  
au anaefanya vitendo ambavyo vinalenga  
katika mambo ya utovu wa nidhamu au moja  
kati ya mambo haya.

(2) Adhabu iliowekwa chini ya kifungu cha 164  
kuhusu wamururaji na wasio na kazi inafutwa na kurekwa  
adhabu ifuatayo:-

"..... atawaa kupelakwa Chuo cha Mafunzo  
cha Mwalifu kwa kipindi kisichopungua mwaka  
mmoja na kisichosidi miaka miwili pamoja na  
kutandikwa viboko visivyosidi 6".

Kifungu 165  
 kuhusu wahuni  
 na wasururaji  
 kinarekebisha.

3. Kifungu 165 cha Sheria ya Msingi kinarekebisha:-

(1) Hwa kuongeza vijifungu vipya mara tu baada ya kijifungu (d) na vitafulikana kwa mpangilio kama vijifungu (e) na (f):-

(e) mtu ya yote aliyekwa hama kazi kama ilivyo tafiriwa katika Sheria ya Nguvu Kazi ya Zanzibar Nambari 1 ya mwaka 1983;

(f) mtu ya yote atakayevonekana au kuwepo (Ikiwa mtu huyo amelala au nyenginevyo) katika mwahala alimotengya au kusuiwa na Baraza la Mji au vyombo vyengine, na anaohindwa kutoa sababu zinazoridhiisha kwa nini alilawepo katika wakati huo uliokatawa.

(2) Adhabu iliyovekea ohini ya kifungu cha 165 kuhusu wahuni na wasururaji inafutwa na kwekwa adhabu ifuatavyo:-

".....ataweza kupelekwa Chao cha Mafunzo cha Wabalifu kwa kosa la mwanzo kwa kipindi kisichopungua miaka mivili na kisichosidi miaka mitatu pamoja na kutandikwa viboko visivyosidi tisa na kwa kosa jingine linalofuatia kupelekwa Chaoi kwa kipindi kisichosidi miaka minne na viboko visivyosidi kumi na mbili.

Arekebisha  
 kwa kifungu  
 248 cha  
 Sheria ya  
 Msingi na  
 kufutwa kwa  
 kifungu cha  
 9 cha Sheria  
 Sen. 19/65 na  
 kufutwa Sheria  
 Sen. 18/1966.

4. Kifungu cha 248 cha Sheria ya Msingi kinarekebisha kwa kuongeza, mara tu baada ya kijifungu cha (10) kifungu kipya ambacho kitanukuliwa kama kijifungu (11)(a), (b) na (c):-



Kufika  
mazao ya  
kijiko.

(11) (a) Ikiwa kitu kilichobibiwa ni mazao yaliyo kuwa si mali ya Serikali na Mashirika yake, au si mali ya Serikali ya Jamhuri ya Muungano au si mali ya Chama na Jumuiya zake, mhalifu akipatikana na hatia atapelekwa Chao cha Mafunzo cha Wahalifu kwa muda usioyangua miaka miwili au saidi ya adhabu hiyo atatakiwa aliye, mara mbili ya bei ya mazao hayo na mapato hayo yagawawe sawa sawa baina ya mwenye mazao na Serikali;

(b) Iwapo mhalifu ameshindwa kulipa adhabu hiyo ya fedha, kama ilivyoainishwa katika kijifungu cha (11)(a) hapo juu, atapelekwa tena Chao cha Mafunzo cha Wahalifu kwa kipindi cha miezi sita;

(c) kwa madhumuni ya kijifungu hiki, mazao ya kilimo ina maana ya mazao ya aina ya yote ile yanayopatikana kutokana na kilimo cha aina ya yote ile na inajumisha mpunga, mtema, mahindi, uwele, viasi vikuu, ndizi, mbatata, viasi vitamu, kunde, choroko, embe, nazi, ndimu, malimu, machungwa pesoja na jami ya vitu hivyo, kuku, mabata na ndege wa aina hiyo na inajumisha mazao yaliyo mabichi, yaliyo mabivu au yaliyotengenezwa au kusindikwa ya aina hizo.

(d) Kifungu cha 9 cha Sheria Nambari 19/65 inayohusiana na sheria ya Mazao kinafutwa na Sheria Nambari 18/1966 pia inayohusiana na Mazao inafutwa.

Kinafutwa kwa  
kifungu Na. 9  
cha Sheria  
Nam. 19/65 na  
kinafutwa kwa  
Sheria Nam.  
18/1966.

Inapitishwa katika Baraza la Wawakilishi tarehe

11 Oktoba, 1984.

  
[ IDI P. HASSAN ]  
KATIBU  
BARAZA LA WAWAKILISHI