



**AN ACT TO ESTABLISH JESHI LA KUJENGA UCHUMI SECURITY GUARD AGENCY
AND PROVIDE OTHER RELATED MATTERS THEREWITH**

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ACT NO. 2 OF 2015

I ASSENT

{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

15th April, 2015

**AN ACT TO ESTABLISH JESHI LA KUJENGA UCHUMI SECURITY
GUARD AGENCY AND PROVIDE OTHER RELATED MATTERS
THEREWITH**

ENACTED by the House of Representatives of Zanzibar

**PART I
PRELIMINARY PROVISIONS**

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| Short title and Commencement. | 1. This Act may be cited as JKU Security Guard Agency Act, 2015 and shall come into operation immediately after being assented to by the President and published in the Government Gazette. |
| Application. | 2. Subject to the provisions provided herein, this Act shall apply with JKU Act and other written laws provided therein. |
| Interpretation. | 3. In this Act, unless the context otherwise requires:-
"Board" means Security Guard Agency Board established under Section 13 of this Act; |



"Chief of JKU" means the officer appointed in accordance with section 7 (1) of the JKU Act;

"Director" means a person appointed in accordance with Section 9 of this Act.

"Government" means the Revolutionary Government of Zanzibar;

"Investment zones" means all those areas presently reserved or declared or to be declared in the future as areas so reserved for investment purposes;

"JKU" means Jeshi la Kujenga Uchumi as established under section 3 of Jeshi la Kujenga Uchumi Act;

"JKU Regulations" means rules or regulations made under JKU Act;

"Junior officer" means an officer as provided for under the Special Department Service Commission Act;

"Man" means a member of "JKU" and any person who is seconded as such who is not an officer holding a rank from WO I to the lowest rank in the Service;

"Member" means, in relation to the service, both officers and servicemen enlisted or re-engaged in civilian or military capacity and persons seconded to the service or in national service;

"Minister" means a Minister responsible for JKU;

"Officer" means a member of JKU who has been granted a commission in JKU by the President and a person who is seconded as an officer in JKU with a rank of Second Lieutenant and above;

"President" means the President of Zanzibar and Chairman of Revolutionary Council;

"Seconded" means any member from JKU or any other institution serving in the JKU Security Guard Agency on certain temporary terms of employment;

"Security Guard Agency" means Security Guard Agency established under section 4 (1) of this Act;

"Security service" means the service offered by the JKU Security Guard Agency under this Act;

"Senior officer" means an officer as provided for under the Jeshi la Kujenga Uchumi Act and Special Service Commission Act

"Serviceman" means a member of JKU Security Guard Agency;



"Special Department Service Commission Regulations" means regulations made under the Special Department Service Commission Act;

"Tourism" shall have the meaning as provided under Zanzibar Tourism Act.

PART II
ESTABLISHMENT, AND FUNCTIONS OF JKU SECURITY GUARD
AGENCY

Establishment of the JKU security guard.

4.-(1) There is hereby established in Zanzibar a Security Guard to be known as "JKU Security Guard Agency" which shall be under the supervision of Chief of JKU.

(2) The JKU Security Guard Agency shall be a Government agency for all security guard services in accordance with this Act and shall have perpetual succession and common seal, and shall in its name, be capable of:

- (a) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable in accordance with laws;
- (b) entering into contracts or any other transactions and doing or causing to do all such other acts and things which a body corporate may perform, do or cause to be done; and
- (c) exercising the powers or performing all other things or acts for the proper performance of its functions under this Act or any other Act in force.

Objectives of the JKU guard Agency.

5. The JKU Security Guard Agency shall have the following objectives:

- (a) to Supervise and improve of security guard services in investment and tourism areas of Public or private institutions;
- (b) to supervise and improve security guard services in investment and tourism areas for realization of economy of the country; and
- (c) to ensure the availability of guaranteed and quality security guard services.

Function of the JKU security guard agency.

6. The functions of the Security Guard Agency shall be:

- (a) to provide security guard services to tourism related institutions;
- (b) to make patrol and provide security guard services in investment areas and others;
- (c) to provide consultancy services in security guard services and general intelligence to the tourists, tourism stockholders and other institutions;



- (d) to provide training in security guard services and general intelligence to tourism investors and other institutions;
- (e) to receive and analyse applications relating to security guard services from public and private institutions and provide a reasonable solution thereon;
- (f) to develop effective management and operation of tourism security guard services;
- (g) to develop, promote and manage security guard infrastructure and superstructure;
- (h) to issue security guard guidelines to be observed and applied in investment areas and others on behalf of the Government;
- (i) to issue directives on intelligence instruments and security machines to be installed in investment areas and others on behalf of the Government;
- (j) to recommend to the Minister fees to be paid in relation to the areas provided with the security guard services; and
- (k) to carry on all such other activities as it may appear to the JKU Security Agency to be requisite, advantageous or in connection with exercise of its functions under this Act.

Power of the security guard agency.

7. JKU Security Guard Agency shall have the power:

- (a) to possess and use arms or ammunitions in the performance of its functions as provided in this Act and Regulations made under it.
- (b) to coordinate the provision of security guard services to companies or private institutions;
- (c) to arrest and search any suspected place or property or person who contravenes any section of this Act or any aother Act and shall immediately handover that person to the responsible authority according to the procedures under any written law;
- (d) to establish sub offices or representing agencies in Unguja or Pemba as it is determined by the Board;
- (e) to impose fees and other payments for the security guard, training, consultancy and other services; and
- (f) to perform or carry on any other activity as it may be deemed fit, requisite and advantageous or in connection with the exercise of its functions.



Obligation to pay fee and other payment.

8.-(1) A person, institution or company which is provided with any service from Security Guard Agency shall be obliged to:-

- (a) pay any fee and any other payment for the said service;
- (b) observe any condition or directives attached with or issued for the service provided for.

(2) Person, Institution or Company who fails to observe anything which he or she is required to observe under this section shall be guilty of an offence and upon conviction shall be liable to pay the required payment with fine not less than fifty percent of the said payment.

Qualification for an appointment of the director.

9.-(1) There shall be a Director of Security Guard Agency who shall be appointed by the President.

(2) A person shall not be appointed as the Director unless, he possesses the following qualifications:

- (a) being a senior officer from the JKU;
- (b) having an experience of not less than fifteen years; or
- (c) being a holder of at least first degree from the University which is recognised by the Government;
- (d) having never been convicted for any criminal offence or gross disciplinary offences;
- (e) being a Zanzibari; and
- (f) being of good moral conduct

Responsibilities of the director.

10.-(1) The Director shall be the Chief Executive and Accounting Officer of the Security Guard Agency.

(2) Subject to the provisions of this Act, the following responsibilities of the Security Guard Agency shall be vested to the Director:

- (a) the administration of day to day operation of the Security Guard Agency which shall include the management of funds including income, expenditure, revenues and investment, properties and business of the Security Guard Agency;
- (b) to report on the progressive activities of Security Guard Agency to the Board ; and



- (c) to perform any other functions and exercise any powers conferred in accordance with the Act.

Unit and heads
unit of the
security guard
agency.

11.-(1) There shall be units of the Security Guard Agency as proposed by the Director and approved by the Board.

(2) The Director shall recommend such number of heads of units who shall be approved by the Board.

Staff of security
guard agency.

12.-(1) The staffs of the Security Guard Agency shall be recruited by the Security Guard Agency itself or seconded members from JKU.

(2) A member of JKU shall not be seconded to Security Guard Agency unless he has fulfilled the qualifications set by the Board and approved by the Chief of JKU.

(3) A new staff shall not be recruited to serve in the Security Guard Agency unless he has fulfilled the qualifications set by the Board and met the standards required to be employed in the Special Departments.

(4) The staff shall be paid salaries and allowances in accordance with the Public Service Act.

Establishment of
security guard
agency board.

13.-(1) There shall be a Board of JKU Security Guard Agency which shall have the following members:

- (a) the Chairperson who shall be appointed by the President;
- (b) Director of Security Guard Agency;
- (c) two persons to be appointed by the Minister on the recommendation of the Chief of JKU;
- (d) two persons to be appointed by the Minister from institutions with specialization in tourism; and
- (e) one person to be appointed by the Minister from the Ministry of Trade to be recommended by the Minister responsible for Trade.

(2) The Board shall appoint a qualified lawyer with working experience of not less five years from the Special Departments to be the Secretary to the Board.



Qualification of the Board chairperson.

14. A person shall not be appointed as chairperson of the Board unless, he has obtained the following qualifications:

- (a) being a senior officer of the rank of colonel or above or equivalent to it or a retired officer from any military or security institution of a similar rank or its equivalency;
- (b) having education of at least form four level or above;
- (c) having experience in leadership of not less than seven years;
- (d) be a Zanzibari; and
- (e) had not been convicted for disciplinary offences or criminal offences with punishment of not less than six months.

Power of the Board.

15. The Board shall have the following powers:

- (a) trusteeship, supervision and administration of the Agency;
- (b) considering and approving reports or other documents which the Board considers necessary for performance of the functions of the JKU Security Guard Agency;
- (c) making rules to regulate its own procedures generally and, in respect of holding of meetings, notices, proceedings at Board meetings, preparation and approval of minutes of Board meetings and other related matters.
- (d) forming any committee for the purpose of investigating any matter, provided that, that committee will be formed and discharge its duties in accordance with this Act;
- (e) employing or appointing or hire services from consultants, expatriates or private investigators as it deems fit for the purpose of efficiency of the Agency upon recommendation from the Director ; and
- (f) imposing fee, rates and other charges for the services provided by the JKU Security Guard Agency.

Function of the Board.

16. The Board shall have the following functions:

- (a) to approve organizational structure, professional standards, work procedures and determine the terms and condition of service;



- (b) to propose salaries and other allowances including any other benefits for employees of the Security Guard Agency to the Public Service Commission in accordance with the Public Service Act;
- (c) to approve budget, policy and work plans for the development of the Agency;
- (d) to scrutinize and approve new recruitment for the Security Guard Agency as proposed by the Director;
- (e) to administer Disciplinary Rules for the staff of the Security Guard Agency;
- (f) to receive and prepare legal proposals in relation to security guard services and make respective recommendations to the Minister;
- (g) to evaluate and make follow-ups on the day-to-day activities of the Agency; and
- (h) to carry on all such other activities as it may appear to the Board to be requisite, advantageous and in connection with exercise of its functions.

Tenure of the chairperson of the Board.

17.-(1) The Chairperson of the Board shall serve and hold the post for a period of four years and he or she may be reappointed for one more period.

(2) The Chairman of the Board shall cease to hold office when:

- (a) the period of his service expires;
- (b) he resigns: or
- (c) he dies.

Qualification of Board member.

18. A person shall not be appointed as a member of the Board unless he has fulfilled the following qualifications:

- (a) being a holder of at least a bachelor degree from any learning institution recognized by the Government in the field of law, Security, management, accountancy or equivalent; and working experience of not less than fifteen years;
- (b) being not convicted for disciplinary offence or any criminal offence with punishment of not more than six months.

Tenure of the Board member.

19.-(1) The Board members shall discharge their functions for the period of three years.



(2) A member of the Board other than ex-officio member shall hold office for a period of three years and may be eligible for reappointment for one extra period.

Suspension and termination of Board membership.

20. The Minister may terminate or suspend any member appointed by him under section 13 of this Act for the following grounds:

- (a) for the member's inability to perform the function of his office as stipulated in this Act;
- (b) for misbehaviour or misconduct as stipulated in the Government Code of Conduct;
- (c) if the member is convicted of any criminal offence for a period not less than six months;
- (d) if the member fails to comply with the regulations relating to disclosure of interest in a particular case;
- (e) if the member fails to discharge his duties on medical ground and approved by the Medical Board as no longer fit for the job;
- (f) if the member absents himself for three consecutive meetings of the Board without the approval of the Chairperson.

Resignation of a Board member.

21. The Board member may resign from the Board at any time by submitting a letter to the appointing authority highlighting the date to take effect of the said resignation and in case of failure to highlight the date of resignation, the date of receipt of that letter shall be taken as a date of resignation.

Board meeting.

22.-(1) For the purpose of discharging its functions, the Board shall meet once in every three months provided that it may meet on emergency at any time as it deems fit.

(2) The Board shall cause to be recorded and kept minutes of all proceedings of its meetings and the minutes of each meeting of the Board shall be confirmed by the Board at its next meeting and signed by the Chairperson of the meeting.

Quorum.

23.-(1) The Chairperson and not less than half of the Board members shall constitute a quorum.

(2) Notwithstanding sub section (1) of this section, in the absence of the Chairperson, the Board members who are present shall select one of them to be an acting Chairperson of the said meeting.

Board decisions.

24.-(1) The Board shall make its decision by consensus and in case of disagreement, the decision shall be reached by voting and in the event of any equality of votes, the Chairperson shall have a casting vote.



(2) Notwithstanding the provision of subsection (1) of this section, during emergency, decisions may be made by the Board by circulation of papers to the members whereby each member shall express his views or decision in writing and send them to the Chairperson or Secretary as the case may be.

(3) A decision reached by circulation of papers as expressed under sub section (2) of this section and supported by more than half of Board members, shall be taken as Board meeting's decision provided that any member who is not satisfied may require that any such decision be deferred for discussion at a next Board meeting.

Non- member to attend Board meeting

25. The Board through invitation by the Chairperson after consultation with the Board may co-opt any person to attend any deliberations of the meeting of the Board as an expert and such person shall participate fully in that particular deliberation but shall have no right to vote.

Payment of allowances.

26. The Security Guard Agency shall pay to the members of the Board such allowances or other payments as may be recommended by the Board and determined by the Minister.

Function of the Secretary of the Board.

27. -(1) Secretary of the Board shall be responsible for:

- (a) legal advice to the Security Guard Agency;
- (b) arranging the business proceedings of the Board;
- (c) keep records and minutes of the Board;
- (d) to do any such other functions as the Board may direct from time to time.

(2) Secretary shall have no vote in the Board meetings.

PART III INCOME, EXPENDITURE AND MANAGEMENT OF FUNDS

Source of funds of Security Guard Agency.

28.-(1) The source of funds of the Security Guard Agency shall consist of:-

- (a) grant from the Government;
- (b) such funds and monies from donors approved by the Government;
- (c) the amount as may be received by or made available to the Security Guard by way of loans from financial institutions for the purpose of performing its functions, subject to the recommendation of the Board and approval by the Minister;



- (d) all revenues generated from security guard services;
- (e) fees and charges accrued by or paid to the Agency under this Act as directed by the Minister; and
- (f) all other monies lawfully received by the Security Guard Agency.

(2) All revenues of the Agency shall be deposited in the account and expended in accordance with the direction set by the Board.

Expenditure and budget estimate.

29.-(1) Subject to the laws relating to Government finances, funds of the Agency shall cover all expenditure planned and approved for the discharge and performance of the functions of the Agency.

(2) The Director shall, not later than three months before the end of each financial year, prepare and submit to the Board for its approval, estimate of its income and expenditure for the next ensuing year, which, on approval, shall be forwarded to the Minister.

(3) The Director may at any time submit to the Board a supplementary estimate for its consideration and approval and the Board shall notify the Minister on the same.

Bank account and application of funds.

30. The Security Guard Agency shall open and maintain an account or accounts in such bank as the Board may approve.

Account and auditing.

31.-(1) The Security Guard Agency shall be audited in accordance with the laws relating to auditing of Government accounts.

Investment on security guard matters.

32. The Security Guard Agency may invest on security guard matters any of its funds or properties in manner as may be proposed by the Board and approved by the Minister.

Annual reports.

33. The Director shall within three months after the end of each financial year, submit annual report to the Board which shall then be submitted to the Chief of JKU who subsequently shall submit it to the Minister in respect of that year, and the report shall containing:

- (a) summary of the Security Guard Agency performance during the year; and
- (b) Internal audited financial statements reflecting the Security Guard financial affairs during the year.



**PART IV
MISCELLANEOUS PROVISIONS**

- Offences and punishment.** **34.** A person who commits any of the following offences shall be guilty of an offence and shall be liable, on conviction to imprisonment for a term not less than six months or to a fine of not less than one million shillings or both.
- (a) refuse to comply with lawful order of the security man from Security Guard Agency;
 - (b) intimidate the security man while performing his or her duties;
 - (c) harboring or assisting harboring the accused person;
 - (d) obstruct the security man to perform his or her duties;
 - (e) hiding or losing of property or anything seized from accused person.
- General offences.** **35.** A person who commits any offence under this Act for which no penalty is expressly provided shall be prosecuted under the Penal Act or any other law which has provided punishment for such offence.
- Immunity to members.** **36.**-(1) A suit or other civil proceedings shall not lie against an individual member of Security Guard Agency for the recovery of damage for loss of property, death or damage or injury to, or trespass upon any property during the execution of function under this Act provided that it is lawful commanded and practiced with reasonable force.
- (2) A compensation shall not be payable if the person or persons claiming compensation willfully obstructed or interfered with the functions of Security Guard Agency.
- Compensation for injury, disability and death.** **37.** For the purposes of compensation for injury disability or death of any serviceman or security guard arising in the course of discharging his duties assigned under this Act or training operations, such matters shall be dealt with in accordance with the Special Departments Service Commission or Workman Compensation Act.
- Training to member.** **38.** Without prejudice to the provisions of this Act and without prejudice to the generality of the foregoing provisions of this Act or any law, members of JKU Security Guard Agency shall in addition be trained in military training, tourism and any other training which is suitable in carrying out their responsibilities.
- Regulations.** **39.** Without prejudice to the generality of the foregoing provisions of this Act, the Minister shall make regulations for better carrying into effect the principles and provisions of this Act for all or any of the following:



- (a) prescribe the procedures to be observed by security guards in dealing with search of suspects;
- (b) prescribe rates of fees and other charges to be charged by the Agency in providing services;
- (c) issue the guidelines in relation with equipment and accessories to be installed in different areas for security purposes;
- (d) provide staff regulations; and
- (e) any other for better carrying out any activity of the Agency or implimentation of this Act.

Discipline.

40.-(1) Without prejudice to the JKU Regulations and Regulation of the Special Department Service Commission, the Director or any head of unit of the Agency, shall be responsible to administer discipline, convene martial court and taking disciplinary mesures against officers and other staff according to the said Regulations.

(2) All staff of the Agency shall be under the Disciplinary Regulations of the JKU except such other staff employed under the civilians terms who shall be under the Civil Service Regulations.

PASSED by the House of Representatives of Zanzibar on 23rd of January, 2015

A handwritten signature in black ink, appearing to read 'Yahya Khamis Hamad'.

YAHYA KHAMIS HAMAD
CLERK HOUSE OF REPRESENTATIVES
ZANZIBAR