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NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 8th May, 2019 and is Gazeted for the public notice incorporating together with their objects and reasons.

ZANZIBAR
10th May, 2019

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

A BILL

for

**AN ACT TO REPEAL THE NATIONAL LEADERS ACT
NO. 10 OF 2002 AND TO ENACT AN ACT TO PROVIDE
FOR THE PROCEDURES OF HONOURING THE
NATIONAL LEADERS AND OTHER MATTERS
CONNECTED THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short Title
and
Commencement.

1. This Act may be cited as the National Leaders Honouring Act, 2019 and shall come into operation immediately upon being assented to by the President.

Interpretation.

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

“A week of Honouring State Leaders” means a week starting from 1st to 6th April of every year;

“Chief Justice” means the Chief Justice of Zanzibar;

“Committee” means different committees established under this Act;

“Director General” means a Director General in the Ministry of Health;

“Government document” means all documents mention to section 3 of this Act;

“Government Leader” means a Minister, Attorney General, Deputy Minister, Member of the House of Representatives, Judge of High Court, Chief Secretary and Secretary of the Revolutionary Council, Mufti, Chief Kadhi and Control and Auditor General and for this purpose shall include the wife or husband of the State Leader who is in office or retired ;

“Government” means the Revolutionary Government of Zanzibar;

“Grave” means the area on earth in which the body of the deceased will be buried;

“Honouring” means to preserve records of works of the State Leader and having a clear official burial procedures of State Leaders and all activities done for their remembrance;

“Karume Day” means the 7th day of April of every year;

“Minister” means the Minister responsible for the administration of this Act;

“Place of Worship” means mosque, church, temple, synagogue and for this purpose shall include any other place used for worshipping;

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

“Speaker” means the Speaker of the House of Representatives of Zanzibar;

“Special museum” means the museum established under section 3(2) of this Act;

“State Leader” means the President of Zanzibar and Chairman of the Revolutionary Council and the Vice Presidents of Zanzibar who is in office or retired;

“Top leaders” means Chief Justice and Speaker of the house of representative who is in the office or retired;

“Vice President” means the First Vice President and Second Vice President of Zanzibar appointed under Section 39 (2) of the Zanzibar Constitution of 1984, and for this purpose shall include the Retired Chief Minister; and

“Will” means written or oral instruction which the deceased left that he would or would not like to be done on his honouring;

PART II PRESERVATION OF RECORDS AND OTHER MATERIALS

Establishment
of Special
Museum.

3. It is hereby established a special Museum for preserving the records, material or object of State Leader who holds office of President.

Preservation
of records and
other materials.

4.-(1) It shall be the duty and responsibility of the Minister to regulate and control the collection, preservation, disposition and honouring of record, statue and other material of the State Leader who holds office of President.

(2) The procedure for preserving the record, statue and other material under Sub section (1) of this Section shall include the following:

- (a) government document delivered or created, such as speech, photographs, book, pamphlet, and Legislation which is signed;
- (b) all government information delivered or captured and recorded in cassette, video and other electronic device;
- (c) memorable thing and object such as gift presented to him, personal diary, metal thing, cloth or utensil, statue,

personal thing shall be preserved by his or his family's consent;

- (d) oral recording and information about him given by people who knows him.
- (e) movable or immovable property related to their life history shall be preserved on his or his family's consent; and
- (f) bust Statue of the image of the late Sheikh Abeid Amani Karume and short information describing his period of Presidency.

(3) The record and other material shall be administered in accordance with the provision of this Act and any other law relating to the management of archives.

(4) The decision regarding to classification of record and other material or object warranting preservation as archives shall be made after consultation and consent of the representative of the family concerned of the deceased.

(5) Any person who have memorable object, material or anything or things of the State Leader with his consent may transfer such things to the Special Museum.

5.-(1) The Minister with the consent of the Revolutionary Council shall name Place or Institution such as airport, sports ground, street, school, college, sports club, main road, building or event to be State Leader as the way of honouring.

Place, Event, Institution and Facility to be given a name of State Leader.

(2) Any individual wishes to display the name of State leader sub section (1) of this section shall apply to the minister

(3) Minister after receiving the application of the individual wishes to display the name of State Leader shall submit to the Revolutionary Council for approval.

Vesting of records and other materials in Special Museum.

6.-(1) All records and other materials which at the time of coming into operation of this Act were expressly given, deposited or bequeathed to the State Leader on behalf of the Government or Government of the United Republic of Tanzania, or any other place outside Zanzibar if needed may be preserved in the Special Museum.

(2) Any person indicating that such records or consultation with responsible materials or objects are for the public use or private use shall remain in his possession until such time when that person gives, deposits, bequeaths or sells to the Government and the Government shall vest in the Special Museum.

Procedures for preservation or disposal of records and other materials.

7.-(1) The Minister in consultation with in the responsible Minister for public records and archives management shall consult on the view to working out procedures necessary to facilitate preservation or disposition of record and other material or object where:

- (a) consultation with representative of the family of the State Leader is done, and it is found that such record or material or object have special interest to the country and that it is necessary to be preserved to the Special Museum; or
- (b) consultation with representative of the family of the State Leader is done, and it is found that such record or material or object are no longer of special interest to the country and that their disposition is necessary.

(2) Preservation and disposal of record, document and other material or object under this Act shall be according to the Regulations made under this Act.

A week of Honouring State Leader.

8.-(1) There shall be a week of honouring State Leaders starting from 1st to 6th April of every year.

(2) 7th day April shall be a Karume Day, which shall be a public holiday and the Minister after consultation with the Revolutionary Council shall specify a place for performing the memorial activities.

(3) Karume Day shall be a Memorial day for the late Sheikh Abeid Amani Karume where different activities shall be conducted to indicate remembrance for his excellent achievements and outstanding Leadership.

PART III
FUNERAL ARRANGEMENTS OF STATE, TOP AND
GOVERNMENT LEADER

9. There shall be two types of funerals; a State funeral and a Government funeral in accordance to the status of the Leader as follows: Type of funeral.

- (a) The state funeral shall be conducted in the manner stipulated under Section 12 (1), (2), (3), (4), (5), (7) and (8) of this Act in respect of State and Top Leader who at the time of his death is in the office or retired;
- (b) The government funeral shall be arranged in respect of government leader who at the time of his death is in the post.

10.-(1) A Leader entitled to funeral arrangements under this Act shall be the State Leader or Government Leader and the arrangements shall be conducted with accordance to the status of the leader as follows: A Leaders entitled to funeral arrangements.

- (a) the President who dies in Office or who is retired shall have a state funeral as specified in section 12 (1), (2) and (3) of this Act;
- (b) the Vice President who dies in office or who is retired shall have a state funeral as specified in section 12 (4) of this Act;
- (c) the Top Leader shall have a state funeral as specified in section 12 (5) of this Act;

- (d) the Government Leader who dies in that position shall have a government funeral as specified in section 12 (6) of this Act;
- (e) the president who is impeached by the members of the House of Representatives shall be excluded from this funeral arrangement in accordance with this Act;
- (f) the president who has resigned but has not stayed in the office for five years but served more than three years his funeral arrangements shall be that of Vice President as specified under Section 12 (4) of this Act.
- (g) the Vice President, whose appointment is revoked by the President or resigns before completing five years but served more than three years the funeral arrangement shall be that of a Minister as specified in section 12 (6) of this Act.
- (h) the Speaker who has been removed by impeachment or resolution and Chief Justice who has been removed by the President or resigns before completing five years but served more than three years the funeral arrangement shall be that of a Minister as specified in section 12 (6) of this Act.

(2) The funeral arrangements for the deceased member of the House of Representative and the Judge of the High Court shall be made by the Office of Speaker and Chief Justice respectively as may deem necessary to honour them.

Power of
the
President.

11. Without prejudice to section 9 of this Act, any person who is not entitled to funeral arrangement as prescribed under this Act, to the President may order for the government funeral.

Funeral
Procedure.

12.-(1) There shall be a special parade of the Tanzania People's Defence Force on the day of the burial for a President who is in

office or who is retired, the parade shall be of one guard and shall be conducted near to the place of burial.

(2) The parade shall be organized by Tanzania People's Defence Force.

(3) The Tanzania People's Defence Force shall fire twenty-one-gun salute at the time and near the place of burial.

(4) The Vice President who is in office or who is retired shall be entitled the parade of one guard and nineteen gun salutes shall be fired at the time and near the place of burial by the Tanzania People's Defence Forces.

(5) Where the Top Leader die shall be entitled the parade of one guard from Tanzania Police Forces and seventeen blank guns shall be fired at the time and near the place of burial.

(6) There shall be no parade and guns for burial of Government Leader who dies in the post.

(7) The eulogy of the deceased shall be read at the graveyard;

(8) The Prayers shall be conducted in accordance with the religion of the deceased.

(9) The bier of the deceased shall be covered with the Zanzibar flag according to the status of the leader mentioned in section 9 (a) (b) and (c) of this Act, with the exception of the bier of members of House of Representative that will be covered by the House Flag.

(10) Without prejudice to the provisions of this Section, in case the late leader has served the office in both the Government of United Republic of Tanzania and the Revolutionary Government of Zanzibar, the procedure for burial and covering the bier of the deceased shall be done after consultation between the National Funeral Committee of the Revolutionary Government of Zanzibar and the National Funeral Committee of the United Republic of Tanzania.

(11) The flag used to cover the bier of the late President who is in office or who is retired after being presented to the Minister shall be preserved to the Special Museum.

Procedure for
burial of
Spouse of
State Leader.

13. The spouse of the State leader shall have the Government funeral of the Government leader who dies in office.

Death
announcement.

14.-(1) Immediately after the President receives information on the death of State Leader shall convene the meeting of the Revolutionary Council and invite the Heads of Defence and Security Forces of the Union Government who are in Zanzibar and Heads of the Special Departments of the Revolutionary Government of Zanzibar and do the following:

- (a) deliver special announcement on the death of deceased, describing time and cause of death;
- (b) announce period of mourning and for the flag to fly half mast; and
- (c) announce to the mass media.

(2) Where the State Leader dies within the Country, the responsible Minister of the office where the deceased worked shall inform the President or person discharging functions of the President according to Zanzibar Constitution, and where the State Leader dies outside the country, the Embassy of Tanzania where the leader died shall deliver official information to the President.

(3) Where the President dies the day of burial shall be the public holiday for the purpose mourning.

(4) Where death of the State Leader occurs while the President is not in the United Republic of Tanzania or is not in office for any reason, the person discharging functions of the President shall announce the death.

(5) Where the President who is in office dies, the Second Vice President shall convene the Revolutionary Council meeting and invites the Heads of Defence and Security forces of the Union Government and Special Departments of Revolutionary Government of Zanzibar and deliver information as specified in sub- section (1) of this section.

(6) Where a Government Leader dies, the Second Vice President shall notify the President and then deliver the death announcement to the public mass media after receiving the death information from the family of the deceased.

15. The funeral of the State Leader shall be conducted according to the religion, custom and tradition of the deceased.

Funeral and cause of death.

(2) Where the body of the deceased is not found in the cause of death of a plane crash, death in the water or any other reason, the funeral activities to be done is mourning and other religious activities and thereafter recitation of prayers in accordance with the religion of the deceased in a place as decided by the National Funeral Committee.

16. Where a State Leader dies from any disease on which the burial requires the advice of Director General, his advice shall be observed under this Act.

Information of Director General.

17.-(1) The period of mourning shall depend on the post of the State Leader who died and shall be as follows:

Period of mourning.

- (a) for the President who is in office the period of mourning shall be 14 days and the flag shall fly half mast;
- (b) for the retired President, the period of mourning shall be 7 days and the flag shall fly half mast;
- (c) for the Vice Presidents who is in office the period of mourning shall be 7 days and the flag shall fly half mast;

- (d) for the retired Vice President, the period of mourning shall be 3 days and the flag shall fly half mast;
- (e) for the Speaker and Chief Justice who is in office the period of mourning shall be 3 days and the flag shall not fly half mast;
- (f) for Government Leader mentioned in this Act the period of mourning shall be the day of the funeral and the flag shall not fly half mast.

Establishment
of National
Funeral
Committee.

18.-(1) There shall be established the National Funeral Committee which shall be chaired by the Second Vice President.

- (2) Members of the National Funeral Committee shall be:
 - (a) Minister responsible for National Leaders funerals who shall be the Vice Chairperson;
 - (b) Minister of State, President`s Office and Chairman of the Revolutionary Council;
 - (c) Minister responsible for Regional Administration and Special Departments;
 - (d) Director responsible for Foreign Affairs in Zanzibar;
 - (e) Heads of Defence and Security Forces of Union Government who are in Zanzibar;
 - (f) Heads of Special Departments of Zanzibar Revolutionary Government;
 - (g) Minister responsible for Finance;
 - (h) Minister responsible for Information; and

(i) Secretary of the Revolutionary Council and Chief Secretary;

(3) Principal Secretary of the Ministry responsible for State Leaders' funerals shall be the Secretary of the National Funeral Committee.

(4) Without prejudice to Sub-section (1) of this section there shall be a secretariat of the National Funeral Committee that will be chaired by the Principal Secretary of the Ministry responsible for State Leaders' or Government Leaders funerals and the Director of the Department of National Festival and Celebration shall be the secretary.

(5) Provided that where the Second Vice President assumes the function of the President the Minister responsible for the Second Vice President office shall chair the National Funeral Committee.

19. The National Funeral Committee shall have the following functions:

Functions
of National
Funeral
Committee.

- (a) to administer all arrangements of the funeral;
- (b) to give information to the President from time to time relating to different incidence regarding the funeral;
- (c) to approve the budget for funeral activities;
- (d) to receive directions from the President and deliver them to the Executive Funeral Committee;
- (e) to direct the Executive Funeral Committee in coordinating the funeral activities;
- (f) to receive and discuss information and recommendations from the Executive Funeral Committee;

- (g) to consult with the family of the deceased concerning funeral procedure; and
- (h) To receive and submit the funeral report to the Government.

Establishment of Executive Funeral Committee. **20.**-(1) There shall be established the Executive Funeral Committee which shall be chaired by the Secretary of the Revolutionary Council and Chief Secretary.

- (2) Members of the Executive Funeral Committee shall be:
 - (a) Principal Secretary, President's Office and Chairman of Revolutionary Council shall be the Vice Chair Person;
 - (b) Heads of Defense and Security Forces of Union Government who are in Zanzibar;
 - (c) Heads of Special Departments of Zanzibar Revolutionary Government;
 - (d) Head of foreign affair in Zanzibar;
 - (e) Principal Secretary, Ministry responsible for Finance;
 - (f) Principal Secretary, Ministry responsible for Communication and Transport;
 - (g) Principal Secretary, Ministry responsible for Regional Administration and Special Departments;
 - (h) Clerk of the House of Representatives;
 - (i) Principal Secretary, Ministry responsible for Information;
 - (j) Chief Court Administrator; and
 - (k) Religious leader of the deceased in Zanzibar.

(3) Principal Secretary of the Ministry responsible for State Leaders' funerals shall be the Secretary of the Executive Funeral Committee.

21. The Executive Committee shall have the following functions: Functions of Executive Committee.

- (a) Prepare and deliver the budget to the National Funeral Committee;
- (b) Make the funeral plan and managing the funeral activities;
- (c) Give directions to other committee or committees established by the Minister regarding the funerals;
- (d) Prepare the programme of the funeral activities;
- (e) Submit information on funeral activities to the National Funeral Committee; and
- (f) Prepare funeral report.

22. The Executive Committee may establish other committees as deemed necessary. Other committees.

23.-(1) The family of the deceased shall decide on the place of burial and if the deceased has left the will on where and how he should be buried. Place, type of burial and Will.

(2) Without prejudice to the provision of sub section (1) of this section, the National Funeral Committee shall arrange and put in place funeral procedure for the State Leader whereby some government funeral procedure shall be performed.

(3) The State leader may, when deems necessary write down his will concern his funeral and submitted a copy to the office of the Chief Secretary.

(4) The area surrounding the grave shall be cleaned and if it is necessary may be guarded on the permission of the Second Vice President.

Procedure of paying the last respect.

24.-(1) The bier of the deceased State Leader who dies in the Office or retired or the Government Leader who dies in the office shall be kept at the place where the National Funeral Committee decides for the public to be able to pay their last respect led by the leader of main religions present in Zanzibar.

(2) The period of paying the last respect shall depend on the decision of the National Funeral Committee, but shall not exceed three days.

(3) The bier shall be taken from the place of last respect to the place of worship and then be taken to the place of burial.

PART IV FINANCIAL REQUIREMENTS FOR STATE, TOP OR GOVERNMENT LEADER FUNERAL

Funds for honouring the State Leader, Top Leader or Government Leader.

25. The funds for attending State Leader, Top Leader or Government Leader funeral activities, which are mentioned in this Act shall come from the Consolidated Fund in the following order:

- (a) The Secretary of National Funeral Committee shall submit the application of fund to the Principal Secretary, Ministry responsible for Finance with regard to the activity to be done; and
- (b) The Principal Secretary of the Ministry responsible for Finance shall provide the funds and be used as imprest.

Expenditure of the fund.

26.-(1) The funds requested from the Consolidated Fund shall be used for:

- (a) transporting the body of the deceased and other things needed for the burial;
- (b) expenditure of all requirements for the funeral of the State Leader and Government Leader.

(2) All expenditure will be in accordance with provision under the Public Finance Management Act.

PART V MISCELLANEOUS

27.-(1) The Chairperson of the National Funeral Committee or the Chairperson of the Executive Committee may invite any person to participate in that Committee as it deems necessary. Invitation.

28. A person who uses name, photograph, statue or portrait of State Leader for business purposes without the permission of the Minister commit an offence and upon conviction shall be liable to a fine of not less than two million shillings or imprisonment for a period of six months or both such fine and imprisonment. Offences relating to name, photograph, Statue or portrait of State Leader.

29. Any person who provides false information concerning the death of State Leader commit an Offence and upon conviction shall be liable to a fine of not less than two million shillings or imprisonment for a term of twelve months or both fine and imprisonment. False Information.

30. Any person who-

- (a) removes document, material or object;
- (b) transfer or export the document or material or object;
- (c) steal the document or material or object;
- (d) disfigure or damage or destroy document or statue or portrait material or object;
- (e) sell document or material or object; and
- (f) reproduce document or material or object against;

Offence relating to transfer, destruction, removal, disfigure or damage of document, material or object.

related to State, Top Leader or Government Leader commits an offence and upon conviction shall be liable to a fine of not less than two million shillings or imprisonment for a period of six months or both such fine and imprisonment.

General
penalty.

31. A person who contravenes any provisions of this Act the penalties of which are not specified, commits an offence and upon conviction shall be liable to a fine of not less than three million Tanzania shilling or to imprisonment not less than one year or to both such fine and imprisonment.

Regulation.

32. The Minister shall have the power to make regulations for the better carrying out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may make regulations:

- (a) Prescribing procedures for local and foreign institutions to be given names of State Leader under section 5 of this Act.
- (b) Prescribing procedures for establishment and management of special museum established under section 3 of this Act.
- (c) Prescribing procedures for collection, preservation, or disposal of records and other materials as established under section 6 and 7 of this Act.

Repeal and
saving.

33.-(1) The National Leaders Act, No. 10 of 2002, is here by repealed.

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

OBJECTS AND REASONS

The objects of this Bill are to remove the shortcoming existing in The National Leaders Act No. 10 of 2002 together with making that law to comply with 10th amendment of the Constitution of Zanzibar 1984. This Bill intends to enact the law which shall overcome the challenges found in the existing manner of honouring the National Leaders.

This Bill shall lead to the repeal of the existing law and come up with the new law which shall provide an effective and efficient manner of honouring the National Leaders.

This Bill is divided into Five Parts:

PART ONE section 1 and 2 is about preliminary provision which contain, short title and commencement and interpretation of certain words used in this Bill.

PART TWO section 3 to 8 are about establishment of Special Museum, preservation of records and other materials, place, event, Institution and facility to be given a name of State Leader, vesting of records and other materials in Special Museum, procedures for preservation or disposal of records and other materials and a week of Honouring State Leader.

PART THREE section 9 to 24 are about type of funeral a Leaders entitled to funeral arrangement ,power of the President, funeral procedures, procedure for burial of spouse of State Leader, death announcement, funeral and cause of death, information of Director General, period of mourning, establishment of National Funeral Committee, Functions of National Funeral Committee, establishment of Executive Funeral Committee, functions of Executive Committee, other committees, place, type of burial and Will and procedure of paying the last respect.

PART FOUR section to 25 and 26 are about Funds for honouring the State Leader or Government Leader and Expenditure of the fund.

PART FIVE section 27 to 33 are about invitation, offences relating to name, photograph, statue or portrait of State Leader, false information, offence relating to transfer, destruction, removal, disfigure or damage of document, material or object, general penalty, Regulation, repeal and savings.

**MOHAMED ABOUD MOHAMED
MINISTER OF STATE, THE SECOND VICE
PRESIDENT'S OFFICE
ZANZIBAR**

ZANZIBAR
10th June, 2019