

NO. 7 OF 1984



AN ACT TO REPEAL AND REPLACE THE
INTERPRETATION DECREE AND TO MAKE
PROVISIONS IN REGARD TO THE
CONSTRUCTION, APPLICATION AND
INTERPRETATION OF WRITTEN LAW
TO MAKE CERTAIN GENERAL
PROVISIONS WITH REGARD TO
SUCH LAW AND FOR OTHER
MATTERS CONNECTED
THEREWITH AND
INCIDENTAL
THERE TO

THE INTERPRETATION OF LAWS AND
GENERAL PROVISIONS ACT, 1984

ARRANGMENTS OF SECTIONS

PART I

PRELIMINARY

Section.

1. Short title.
2. Application.
3. Commencement.

PART II

DEFINITIONS

4. Construction of various words and expressions.

PART III

RULES OF CONSTRUCTION

5. Law always speaking.
6. Enactments deemed remedial.
7. Existing laws to continue with such modifications etc. until repealed or amended.
8. Former names to be construed accordingly.
9. Preamble.
10. Long title and short title.
11. Marginal notes and references to former enactments.
12. Gender and number.
13. Application of interpretation provisions.
14. Words in regulations.
15. Reference to distance.
16. Parts of speech and grammatical form.

PART IV

APPLICATION OF UNION ACTS TO ZANZIBAR

17. Union Acts.
18. Subsidiary legislations.

PART V

PROVISION RELATING TO ACTS

19. Acts to be public Act and judicially noticed.
20. Section to be substantive enactments.
21. Citation of enactment.
22. Territorial operation.
23. Commencement date of an Act.
24. Expiring date of an Act.
25. Implied power to amend.
26. Repeal of repeal.
27. Effect of repeal and general savings.
28. Effect of repeal of Act on Subsidiary legislation.
29. Act may be altered or repealed in same session.
30. Construction of amending Act with amended Act.
31. Reprint of amended Act.
32. Reference to amended written law.
33. Cross references where written law re-enacted or revised.
34. Reference to an Act include subsidiary legislation.
35. Exercise of Statutory power between passing and commencement of Act.

PART VI

PROVISIONS RELATING TO SUBSIDIARY LEGISLATION

36. Publication of subsidiary legislation.
37. Commencement of subsidiary legislation.
38. Retrospective operation of subsidiary legislation.
39. Construction of subsidiary legislation.
40. Acts done on subsidiary legislation deemed done under enabling Act.
41. Citation of subsidiary legislation.
42. Provisions with respect to power to make subsidiary legislation.
43. Fees.

PART VII

COMPUTATION OF TIME

44. Time.
45. Computation of time.
46. Where no time is prescribed.

PART VIII

GENERAL PROVISIONS REGARDING LEGAL PROCEEDINGS AND PENALTIES

47. Evidence of signature of President, Minister or Attorney General to consent.
48. Ex-officio proceedings not to abate on death, etc.
49. Imposition of penalty no bar to civil action.
50. Provisions as to offences under two or more laws.
51. Amendment of penalty.
52. Penalties prescribed shall be maximum penalties, but may be cumulative.
53. Disposal of forfeits.
54. Disposal of fines and penalties.
55. Provision as to attempts.
56. Where offence is committed by body corporate.
57. Liability of employer or principal.

PART IX

DEMISE OF PRESIDENT APPOINTMENT, RETIREMENT AND POWERS
OF OFFICERS


58. Demise of the President.
59. Powers of Interim President to dismiss or suspend.
60. Public officers to hold office during pleasure.
61. Remunerations.
62. Commencement of appointment or retirements.
63. Implied powers respecting President and other public officers
64. Powers of President to rescind order.

PART X

MISCELLANEOUS

65. Rectification of errors.
66. Deviation from forms.
67. Majorities.
68. Power of board etc., not affected by vacancy.
69. Savings of rights of Government.
70. Act to bind Government.
71. Repeal and savings Cap. 1 and Decree 1/64.

I ASSENT



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

1-12-1984.

AN ACT TO REPEAL AND REPLACE THE
INTERPRETATION DECREE AND TO MAKE PROVISIONS
IN REGARD TO THE CONSTRUCTION, APPLICATION
AND INTERPRETATION OF WRITTEN LAW TO MAKE
CERTAIN GENERAL PROVISIONS WITH REGARD TO
SUCH LAW AND FOR OTHER MATTERS CONNECTED
THEREWITH AND INCIDENTAL THERETO.

ENACTED by the House of Representatives
of Zanzibar.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the
Interpretation of Laws and General Provisions
Act, 1984.

Application.

2. (1) The provisions of this Act shall
apply to, and in relation to every Act whether
enacted before or after the commencement of
this Act.

(2) Notwithstanding the provisions of
sub section (1) of this section, this Act shall
not apply for the construction or interpretation
of the Constitution, which is not an Act for
the purpose of this Act.

(3) The provisions of this Act apply to the Interpretation of this Act.

Commencement.

3. This Act shall come into force immediately after the assent of the President.

PART II

DEFINITIONS

Construction of various words and expressions.

4. In this Act and in every other Act, and in all public documents enacted, made, or issued before or after the commencement of this Act, the following words and expressions shall have the meanings assigned thereto respectively in this section unless it is therein otherwise expressly or by necessary implication otherwise provided:-

"Act" when used with reference to legislation:

(a) in all legislations passed before January, 1980 means a Decree;

(b) in all legislations passed by the House of Representatives from and after January, 1980 means an Act of that House;

"Act" when used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done and extend to illegal omissions;

"Act of the Community" means an Act of the Community enacted in accordance with Chapter XVI of the Treaty and having the force of law in Zanzibar and or in the United Republic and also means an Act of the East African Common Services Organisation and an Act of the High Commission;

"action" means any civil proceedings in a court and includes any suit under the Civil Procedure Decree;

"administrative officer" means a regional, district or other administrative officer of any grade whatsoever;

"advocate" means a legally qualified person who is entitled to practise as an Advocate in the High Court or Courts, subordinate thereto or in the Court of Appeal, as the case may be in accordance with the provisions of the law for the time being applicable to advocate;

"aircraft" includes sea planes, flying boats, airships and serial balloons;

"applicable law" means:

- (a) any Indian or United Kingdom Act applicable in Zanzibar;
- (b) an Order in Council which for the time being extends to and applies to Zanzibar;
- (c) any Union Act which extends to and applies to Zanzibar in accordance with the provisions of Part IV of this Act;
- (d) any other applicable law which is applicable in Zanzibar.

"Principal Secretary" means a person appointed by the President to be the Principal Secretary and reference in any Act to Permanent Secretary or Assistant Minister shall be construed as reference to Principal Secretary.

"Area Commissioner" means a person appointed by the President to be an Area Commissioner and "the Area Commissioner" means the area commissioner of the district concerned;

"Calendar month" means period beginning on the first day of the month and expiring on the last day of that month;

"chapter", "part", "section", "regulation", "rule" and "schedule" denote respectively a chapter, part, section, regulation and rule of, and a section to, the written law in which the word occurs; and "subsection" and "paragraph" denote respectively a subsection of the section and a paragraph of the section or subsection, regulation and rule, in which the word occurs and subparagraph denotes a subparagraph of a paragraph;

"coin" means any coin of any metal whether precious, semi precious or non precious which is for the time being legal currency in Zanzibar;

"Common Law" means so much of the common law, including the doctrines of equity of England as has effect for the time being in Zanzibar;

"the Commonwealth" means collectively the members of the Commonwealth and any dependency of the member of the Commonwealth and "member of the Commonwealth" or "Commonwealth country" means the United Republic of Tanzania and any other country which is a member of the Commonwealth;

"the Community" means the East African Community established by the Treaty for East African Co-operation;

- "the Consolidated Fund" means the Consolidated Fund of Zanzibar established by the Constitution;
- "the Constitution" means the Constitution of Zanzibar, and as may be amended from time to time;
- "Constitution of the United Republic" means the Constitution of the United Republic of Tanzania and as may be amended from time to time;
- "Constitution of the Party" means the Constitution of Chama cha Mapinduzi as may be amended from time to time;
- "court" means any court of Zanzibar of competent jurisdiction and includes Kadhis' Courts.
- "the Court of Appeal" means the court to which appeals lie from the High Court under laws of Zanzibar;
- "Crown Agents" means the persons or body for the time being acting as Crown Agents for overseas Governments and Administrations or any of them;
- "day time" means the interval between six o'clock in the morning and half past six o'clock in the evening;
- "definition" means the interpretation given by any written law to any word or expression;
- "District" means one of the Districts into which Zanzibar is divided in accordance with the Constitution;
- "District Magistrate" includes a resident Magistrate;
- "the East African Authority" means the East African Authority established by the Treaty for East African Co-operation;

"export" means to take out or to cause to be taken out of Zanzibar by air, land or water, otherwise than in transit;

"Foreign service officer" means an officer employed by the Government or by the United Republic of Tanzania to hold or to act in an appointment in the foreign service of Zanzibar or the United Republic, as the case may be;

"financial year" means the period from the first day of July in any year to the thirtieth day of June in the immediately succeeding year both days inclusive;

"Gazette" means the Zanzibar Gazette published by authority of the Government, and includes an Extra Ordinary Gazette or any supplement thereto;

"General Notice" means any announcement not of a legislative character made in the Gazette by or with the authority of the President, Minister or any other Government official pursuant to a power conferred to him by any law;

"Government" means the Revolutionary Government of Zanzibar;

"Government analyst" includes any assistant or other analyst employed by the Government;

"Government Notice" means any subsidiary legislation, made by the President, a Minister or other public officer or authority pursuant to a power conferred by any Act;

"Government Printer" means the Government Printer of Zanzibar, and any other printer authorised by or on behalf of the Government to print any written law or any other document of the Government;

"Government Seal" means Seal of the Government;

"High Court" means the High Court of Zanzibar;

"herein" when used in any section shall be understood to relate the whole enactment, and not to that section only;

"holiday" means any of the following days:-

- (a) Revolution Day (12th January);
- (b) The birthday of CCM (5th February);
- (c) Two days upon which the festival of Idd el Fitri is celebrated;
- (d) Good Friday;
- (e) Easter Monday;
- (f) one day upon which the festival of Idd el Haji is celebrated;
- (g) Union day (26th April);
- (h) International Worker's Day (1st May);
- (i) Maulidi Day;
- (j) Farmers day (7th July);
- (k) Tanzania Mainlands Independence and Republic Day (9th December);
- (l) Christmas Day (25th December);
- (m) day appointed by a notice in the Gazettee by the President to be observed as a holiday for general prayer or mourning of for public rejoicing or thanks giving or for any other specific purpose, and a public holiday shall be construed accordingly;

"House of Representatives" means the House of Representatives as established under the Constitution;

"immovable property" includes land, whether covered by water or not, any estate, right, interest or leasehold in or over any land and things attached to the earth or permanently fastened to anything attached to the earth and includes a debt secured by mortgage or charge on immovable property;

"import" means to bring or to cause to be brought into Zanzibar by air, land or water;

"judge" means a Judge of the High Court and includes any persons appointed temporarily to be or to act as a judge of the High Court;

"legislature" means the House of Representatives or any other Organ of the Government for the time being responsible to make laws;

"law officer" means any and every legally qualified member of the Attorney General's Chambers, but does not include the Attorney General;

"local authority" means:-

- (a) where an area of Zanzibar is a city, a Municipality or a town, the City Council, the Municipal Council or the Town Council of that area established under the existing laws;
- (b) where an area of Zanzibar is within the jurisdiction of a District or Development Council, such District or Development Council as the case may be;

"magistrate" means a resident magistrate of whatever grade he may be, a district magistrate and a primary court magistrate;

"marriage" means a marriage contracted in accordance with, or recognised as valid by laws of Zanzibar, and the terms "husband", "wife" and "married person" shall be construed accordingly;

"may" is to be construed as permissive;

"Minister" means:-

- (a) the Chief Minister, or
- (b) a person appointed as a Minister of the Government under the provisions of the Constitution; or
- (c) a member of the Revolutionary Council, and "the Minister" means the Minister for the time being responsible for the matter in question or if there is no Minister responsible for the matter in question; means the Chief Minister;

"minor" means a person who has not attained the apparent age of eighteen years and the terms "infant" and "infant child" shall be construed accordingly;

"month" means a calendar month, unless words be added showing a lunar month is intended, where a month is expressed as beginning, or is required to be reckoned as beginning on a date other than the first day of any month, the month shall be deemed to expire immediately before the commencement of the corresponding date in the next following month, whether the period so encompassed is of a longer, or shorter period than thirty days;

"movable property" means any property of every description which is movable except immovable property;

"oath" and "affidavit" in the case of a person for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration and "swear" in the like case includes "affirm" and "declare";

"occupy" includes use, inhabit, be in possession of or enjoy the premises in respect whereof the word is used, otherwise than as a mere servant or for the more purpose of the care, custody or charge thereof;

"offence" means any crime, felony, misdemeanour or contravention or other breach of, or failure to comply with, any written law, for which a penalty is provided;

"Parliament" means the Parliament of the United Republic;

"Party" means Chama cha Mapinduzi established by the Constitution of the Party;

"person" or any word or expression descriptive of a person, includes a corporation;

"police officer" means any member of the police force of and above the rank of constable;

"power" includes any privilege, authority or discretion;

"prescribed" means prescribed by the Act in which the word occurs or by any subsidiary legislation made thereunder;

"the President" means the person elected as President of Zanzibar and Chairman of the Revolutionary Council and includes any person acting on his behalf in accordance with the powers conferred to him under the provisions of the Constitution or any other law;

"the President of the United Republic" means the President of the United Republic and includes any person performing the functions of the President of the United Republic under the provisions of the Constitution of the United Republic;

"preclamation" means a preclamation under the Government Seal;

"public office" means any office or employment the holding or discharging of which by a person would constitute that person a public officer;

"public officer" means any person in the service of, or holding office under the Government of Zanzibar and its parastatals whether such service or office is permanent or temporary, or paid or unpaid;

"public place" includes every place to which the public are entitled or permitted to have access whether on payment or otherwise;

"public corporation" means a body corporate established by or under any written law, other than the Companies Decree, and includes a corporation sole so established;

"publication" includes all written and printed matter, and any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which words or ideas may be mechanically or electrically produced, reproduced, represented or conveyed and everything, whether of a nature similar to the foregoing or not, containing any visible representation, or by its form, shape or in any manner capable of producing, reproducing, representing or conveying words or ideas, and every copy and reproduction of any publication;

"public body" means:-

- (a) any Government department;
- (b) the community;
- (c) a local authority;

(d) any authority board, commission committee or other body, whether paid or unpaid, which is invested with or performing, whether permanently or temporarily, functions of a public nature;

"radio" or "radio communications" means any transmission, emission, reception of signs, signals, writings, images, sounds of intelligence of any nature by means of electromagnetic waves propagated in space without artificial guide;

"Region" means any part of Zanzibar proclaimed or deemed to be proclaimed by the President under the provisions of the Constitution to be a region;

"Regional Commissioner" means a person appointed by the President to be a regional commissioner, and the regional commissioner means the regional commissioner of the region concerned;

"repeal" includes rescind, revoke, cancel or replace;

"revenue officer" means an officer appointed by the Government to perform duties in connection with the collection of revenue of the Government;

"rules" includes rules of court, by-laws and regulations;

"rules of court" when used in relation to any court means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court;

"sell" includes barter, exchange and offer to sell or expose for sale;

"service" where an act authorises or requires any document to be served or any person, whether the expression "serve" or the expression "give" or "send" or any other expression is used, then unless or contrary intention appears the service shall be effected by properly addressing and posting, after payment and unless the contrary is proved, service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post;

"shall" is to be construed as imperative;

"sign" with reference to a person who is unable to write his name includes mark;

"statutory declaration" if made:-

- (a) In Zanzibar means a declaration made under the Oaths' Decree;
- (b) in the United Republic, elsewhere than in Zanzibar or in any other Commonwealth country means a declaration made before a justice of the peace, notary public, commissioner for oaths or other persons having authority therein under any law for the time being in force to take or receive a declaration;
- (c) in any other place means a declaration made before a foreign service officer having authority under any written law to administer oath, or before any person having authority under any law or who may for the time being be specified by the Minister responsible for legal affairs by an order in the Gazettee;

"street" or "road" includes any highway street, road, bridge, square, court, alley, lane, bridleway, footway, parade, thoroughfare, passage or open space to which the public are entitled or permitted to have access whether on payment or otherwise;

"subsidiary legislations" means any legislative provision (including a transfer of delegation of powers or duties) made in exercise of any power on that behalf conferred by any written law, by way of by-law, notice, order, proclamation, rule, of court, regulation, or other instrument made under any Act or other lawful authority;

"territorial waters" -

- (a) when used with reference to Zanzibar means any part of the open sea within certain nautical miles of the Coast of Zanzibar measured from low water mark, as Internationally accepted and recognised by the Revolutionary Government of Zanzibar in accordance with the law of the sea, and includes any inland waters of Zanzibar;
- (b) when used with reference to the United Republic means any territorial or inland waters of the United Republic as Internationally accepted and recognised by the United Republic in accordance with the law of the sea and also includes any inland waters.

"the Treasury" means the Minister for the time being responsible for finance and such other officer or officers of his Ministry as may be deputed by him to exercise and perform on behalf of the Treasury and power or duty conferred or imposed on the Treasury by any Act;

"telecommunications" means any transmission; emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system;

"Union day" means the 26th day of April, 1964;

"United Kingdom" means Great Britain and Northern Ireland;

"United Republic" means the United Republic of Tanganyika and Zanzibar;

"vessel" includes any ship or boat or any other description of vessel used in navigation;

"Vice President" means the Vice President of the United Republic;

"Will" includes codicil;

"writing", or any term of like import, includes words printed, type written, painted engraved, lithographed, photographed, or represented or reproduced by any mode of representing or reproducing words or figures in visible form;

"written law" means:-

- (a) all Acts and Acts of the community for the time being in force in Zanzibar;
- (b) any subsidiary legislation for the time being in force in Zanzibar; or
- (c) an applied law with any necessary modification of the same and for the time being in force in Zanzibar

"year"

- (a) when used with reference to calendar year means the period commencing on the first day of January in a year and expiring on the thirty first day of December in that year;

- (b) when used with reference to dominical year means a period of twelve consecutive months commencing on the first day of January of that year;
- (c) when used with reference to a complete year means any period of twelve consecutive months;

"Zanzibar" means the islands comprising of Unguja and Pemba including their off share islands, and when "Zanzibar" is used in its geographical sense means the territories formerly comprising of the Peoples Republic of Zanzibar.

PART III

RULES OF CONSTRUCTION

Law always speaking.

5. The law shall be considered as always speaking, and whenever a matter or things is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to the enactment and every part thereof according to its true spirit, intent and meaning.

Enactments deemed remedial.

6. Every enactment shall be deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects as intended by the legislature.

Existing laws to continue with such modifications etc. until repealed or amended.

7. The existing laws in force immediately before the 11th day of January, 1964, shall continue in force and shall be with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the present circumstances until such time when they are repealed or amended.

Former names
to be construed
accordingly.

8. (1) Subject to any Act made by
the legislature:-

- (a) reference in existing laws to the former Sultan or Prime Minister shall be read as references to the President;
- (b) reference in any existing law to the British Resident or to the Resident in Council shall be read as references to the Minister for the time being responsible for the matter in question;
- (c) reference in any existing law to the Chief Secretary shall be read as reference to the Secretary to the Revolutionary Council,

provided that, where such references as to the former Sultan, Prime Minister, British Resident, Resident in Council or Chief Secretary refers by necessary implication to other capacities other than those referred to in (1)(a), (b) and (c) above shall be read as references to such other capacities as are necessary for the better interpretation of such existing law;

(2) References to any existing law to the Protectorate shall be read as reference to Zanzibar.

Preamble.

9. The preamble of an enactment shall not be part of an Act but shall be read as a part thereof intended to assist in explaining its purport and object.

Long title
and
short title.

10. The long and short titles of an enactment shall not be part of the Act, but shall be read as apart thereof respectively intended to assist in explaining its purport and for ease of reference only.

Marginal notes and references to former enactments.

11. Marginal notes and references to former enactment shall form no part of the enactment, but shall be deemed to have been inserted for convenience of reference only.

Gender and number.

12. In any Act, unless the contrary intention appears:-

- (a) words importing masculine gender include the feminine;
- (b) words importing the feminine gender include the masculine;
- (c) words in the singular include the plural and words in the plural include the singular.

Application of interpretation provisions.

13. (1) Definitions or rules of interpretation contained in an enactment apply to the construction of the provisions of the enactment that contains those definitions or rules of interpretation, as well as to other provisions of the enactment.

(2) Where an enactment contains an interpretation section or provision, it shall be read and construed -

- (a) as being applicable only if the contrary intention does not appear, and
- (b) as being applicable to all other enactments relating to the same subject matter unless the contrary intention appears.

Words in regulations.

14. Where an enactment confers powers to make regulations, expressions used in the regulations have the same respective meanings as in the enactment conferring the power.

Reference to distance.

15. In the measurement of any distance for the purposes of an Act, the distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Parts of speech and grammatical form.

16. Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

PART IV

APPLICATION OF UNION ACTS TO ZANZIBAR

Union Acts.

17. (1) No Act enacted by the Union Parliament shall extend to Zanzibar unless the Act in question is specifically on Union matters and is passed in accordance with the requirements under the provisions of the Constitution of the United Republic.

(2) Such Act shall be laid before the House of Representatives by the Minister responsible.

Subsidiary legislations.

18. Where a subsidiary legislation is made in exercise of powers conferred by an Act under section 17 such subsidiary legislation shall come into force only upon the completion of such formalities as are laid down for the application of the parent Acts as laid down respectively under the provisions of section 17.

PART V

PROVISION RELATING TO ACTS

Acts to be public Acts and judicially noticed.

19. Every Act is a public Act and is to be judicially noticed as such unless the contrary is expressly provided by the Act.

Section to be substantive enactments.

20. Every section of an Act shall take effect as a substantive enactment without introductory words.

Citation of
enactment.

21. (1) When any Act is referred to it, shall be sufficient for all purposes:-

- (a) to cite such Act by short title, if any, by which it is made citable, or
- (b) to cite such Act by its long title, or
- (c) to cite such Act by the year in which it was enacted and its number among the Acts of that year, or
- (d) in the case of the revised edition of the Acts issued under any Act providing for the issue of a revised edition, by its short title or its chapter number,

provided that in all cases, the reference may be made according to the copies of Acts printed by the Government Printer.

(2) A citation of or reference to an enactment shall be deemed to be a citation of or reference to the enactment as amended.

Territorial
operation.

22. (1) Every Act applies to the whole of Zanzibar unless it is otherwise expressed therein.

Commencement
date of an
Act.

23. (1) The Clerk of the House of Representatives shall endorse on every Act, immediately after the title thereof, the day, month and year when the Act was assented to in the President's name and such endorsement shall be taken to be part of the Act, and the date of such assent shall be the date of commencement of the Act if no other date of commencement is therein provided.

(2) When any Act or part of an Act is expressed as having come, or as coming into operation on a particular day, it shall be deemed to have come or shall come into operation immediately on the expiration of the day next preceding such day.

(3) Where it is provided in any Act that it shall come into operation on such date as the President or the Minister may by notice in the Gazette appoint, and the President or the Minister has by a notice in the Gazette appointed such date it shall be lawful for the President or as the case may be, the Minister at any time before the date so appointed to revoke the previous appointment by a subsequent notice and appoints another date.

Expiring date of an Act.

24. Where an Act is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall be construed as ceasing to have effect upon the commencement of the following day.

Implied power to amend.

25. Where an Act confers power to make:-
(a) rules, regulations or by-laws; or
(b) order or other subordinate legislation to be made by statutory instruments,

it implies, unless the contrary intention appears a power exercisable in the same manner and subject to the same conditions or limitations, to revoke, amend or re-enact any instrument made under the power.

Repeal of repeal.

26. Where an Act repeals a repealing enactment, the repeal does not revive any enactment provisionally repealed unless words are added reviving it.

Effect of
repeal and
general
savings.

27. (1) Without prejudice to section 26, where an Act repeals an enactment, in whole or in part, the repeal does not, unless the contrary intention appears:-

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;
- (c) affect any right, privilege, obligation or liability acquired, accrued, or incurred under the enactment so repealed; or
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against the provision so repealed; or
- (e) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty forfeiture or punishment may be imposed as if the repealing Act had not been passed.

(2) This section applies to the expiry of a temporary enactment as if it were repealed by an Act.

Effect of repeal
of Act on
Subsidiary
legislation.

28. Where any Act or part of an Act is repealed and re-enacted by another Act, subsidiary legislation made under the Act or part of the Act so repealed shall, unless a contrary intention appears, remain in force, so far as it is not inconsistent with the provisions of the repealing Act, until such subsidiary legislation is revoked by subsidiary legislation made under the Act or part of the Act so re-enacted, and until such revocation shall be deemed to have been lawful under the provisions so re-enacted.

Act may be
altered or
repealed in
same session.

29. An Act may be altered, amended, or repealed in the session of the House of Representatives in which it was passed.

Construction
of amending
Act with
amended Act.

30. Where one Act amends another Act the amending Act shall so far as it is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended Act.

Reprint of
amended Act.

31. Where an Act has been amended, it shall be lawful for the Government Printer, with the authority of the Attorney General, to print copies of the Act with all the necessary additions, omissions, substitutions and amendments effected by the amending Act or Acts and such copies shall be deemed to be authentic copies of the Act so amended.

Reference to
amended
written law.

32. Where in an Act a reference is made to any written law such reference shall, except where the context otherwise requires, be deemed to be a reference to such written law as the same may from time to time be amended.

Cross references where written law re-enacted or revised.

33. Where any Act contains any reference to any provision of any written law which is duly repealed and re-enacted, or an authentic revised version of which is published, such reference shall be construed as reference to the corresponding provision of the Act so re-enacted or, as the case may be, revised.

Reference to an Act include subsidiary legislation.

34. Any reference to an Act in any other Act shall include a reference to any subsidiary legislation made under the Act to which reference is made.

Exercise of Statutory power between passing and commencement of Act.

35. Where an Act which is not to come into operation immediately on its enactment, confers power to make any appointment or to make or issue any subsidiary legislation, or to do any other act or to make or issue any subsidiary legislation, or to do other act or thing for the purposes of the Act, such power may, unless the contrary intention appears, be exercised at any time after the enactment of the Act so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to the restriction that any appointment, subsidiary legislation or other act or thing, made, issued or done, under such power shall not, unless the contrary intention appears in the Act, or unless such appointment, subsidiary legislation or act or thing is necessary for the bringing of the Act into operation, have any effect until the Act comes into operation.

PART VI

PROVISIONS RELATING TO SUBSIDIARY LEGISLATION

Publication of subsidiary legislation.

36. All subsidiary legislation shall, unless it is otherwise expressly provided in the Act, or relates to the appointment of any person to any office or relates to any matter not having legislative effect, be published in the Gazette and shall be judicially noticed.

Commencement
of subsidiary
legislation.

37. Any subsidiary legislation published in the Gazette shall come into force on the date of such publication or, if it is provided either in the subsidiary legislation or in the Act that such subsidiary legislation or any provisions thereof shall come into force on some other date, such subsidiary legislation or, as the case may be, such provisions thereof shall, subject to section 38 come into force on such other date.

Retrospective
operation of
subsidiary
legislation.

38. Any subsidiary legislation may be made to operate retrospectively to any date, not being a date earlier than the commencement of the Act under which it is made:

Provided that no person shall, unless it is otherwise expressly provided in the Act, be made or become liable to any penalty whatsoever in respect of any act committed or of the failure to do anything before the date on which such subsidiary legislation is published in the Gazette.

Construction
of subsidiary
legislation.

39. Where any Act confers powers to make any subsidiary legislation, expressions used in the subsidiary legislation shall, except where a contrary intention appears, have the same meaning as in the Act conferring the power, and any reference in such subsidiary legislation to "the Act" shall mean the Act conferring the power to make such subsidiary legislation.

Acts done
on subsidiary
legislation
deemed done
under
enabling Act.

40. An Act or thing done under or by virtue of, or in pursuance of, any subsidiary legislation shall be deemed to have been done under or by virtue of or in pursuance of the Act conferring the power to make such subsidiary legislation.

Citation of
subsidiary
legislation.

41. Subsidiary legislation may be cited by reference to the short title, if any, thereto or by reference to the number of the notice under which it appeared in the Gazette.

Provisions
with respect
to power to
make
subsidiary
legislation.

42. Where any Act confers powers on any authority to make subsidiary legislation, the following provisions shall, unless a contrary intention appears, have effect with reference to the making of such subsidiary legislation:-

- (a) when any subsidiary legislation purports to be made in exercise of a particular power or powers, it shall be deemed also to be made or issued in exercise of all other powers thereunto enabling;
- (b) any provision of any subsidiary legislation which is inconsistent with any provision of the Act under which it is made shall be void to the extent of the inconsistency;
- (c) subsidiary legislation may at any time be amended, revoked or revoked and replaced by the same authority and in the same manner by and in which it is made;

Provided, that where such authority has been replaced wholly or in part by another authority, the power conferred hereby upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority;

- (d) where any Act confers power on any authority to make subsidiary legislation for any general purpose, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (e) there may be annexed to the breach of any subsidiary legislation such penalty, not exceeding seven thousand shillings or such term of imprisonment not exceeding two years, or both such fine and such imprisonment, as the authority making the subsidiary legislation may think fit.

Provided that no other penalty for the same offence is provided for under the parent Act.

Fees.

43. (1) Where any Act confers power on any person to make subsidiary legislation and to make provisions therein in respect of fees or other charges, such subsidiary legislation may provide for all or any of the following matters:

- (a) specific fees or charges;
- (b) maximum or minimum fees or charges;
- (c) maximum and minimum fees or charges;
- (d) the payment of fees or charges either general or under specified conditions or in specified circumstances; and
- (d) the reduction, waiver, or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.

(2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for, such reduction waiver or refund may be expressed to apply or be applicable either generally or specifically:-

- (a) in respect of certain matters or transactions or classes of matters or transactions;
- (b) in respect of certain documents or class of documents;
- (c) when any event happens or ceases to happen;
- (d) in respect of certain persons or classes of persons; or
- (e) in respect of any combination of such matters, transactions, documents, events or persons,

and may be expressed to apply or be applicable subject to such conditions as may be specified in the subsidiary legislation or in the discretion of any person specified therein.

PART VII

COMPUTATION OF TIME

Time.

44. (1) The standard time of Zanzibar shall be three hours in advance of Greenwich Mean Time.

(2) Where any expression of time in any Act, instrument warrant or process of any kind, the time referred to, shall, unless it is otherwise expressly provided, signify the standard time of Zanzibar.

Computation
of time.

45. In computing time for the purposes of any Act, unless it is otherwise expressly provided:

- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
- (b) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days), the period shall include the next following day not being an excluded day;
- (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day;
- (d) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.

Where no time
is prescribed.

46. Where no time is prescribed or allowed within which any thing shall be done, such thing shall be done without unreasonable delay, and as often as due occasion arises.

PART VIII

GENERAL PROVISIONS REGARDING LEGAL PROCEEDINGS
AND PENALTIES

Evidence of signature of President, Minister or Attorney General to consent.

47. Where the consent of the President, a Minister or the Attorney General is necessary before any prosecution or action is commenced, any document purporting to bear the consent of the President, a Minister or the Attorney General shall be received as prima facie evidence in any proceedings without proof being given that the signature to such consent is that of the President, a Minister or the Attorney General.

Ex-officio proceedings not to abate on death, etc.

48. Any civil or criminal proceedings taken by or against any person in virtue of his office shall not be discontinued or abate by his death, resignation or absence or removal from office, but may be carried on by or against, as the case may be, the person for the time being holding that office.

Imposition of penalty no bar to civil action.

49. The imposition of a penalty or fine by or under the authority of any Act shall not, in the absence of express provision to the contrary, relieve any person from liability to answer for damages to any person injured.

Provisions as to offences under two or more laws.

50. Where an act or omission constitutes an offence under two or more Acts, the offender shall, unless a contrary intention appears, be liable to be prosecuted and punished under either or any of such Acts but shall not be liable to be punished twice for the same offence.

Amendment of penalty.

51. Where an act or omission constitutes an offence and the penalty for such offence is amended between the time of the commission of such offence and the conviction therefor, the offender shall, in the absence of express provision to the contrary, be liable to the penalty prescribed at the time of the commission of such offence.

Penalties prescribed shall be maximum penalties, but may be cumulative.

52. (1) Where in any Act a penalty is prescribed for an offence under that Act, such provision shall, unless a contrary intention appears, mean that the offence shall be punishable by a penalty not exceeding the penalty prescribed.

(2) Where in any Act more than one penalty is prescribed for an offence, the use of the word "and" shall, unless a contrary intention appears, mean that the penalties may be inflicted alternatively or cumulatively.

Disposal of forfeits.

53. (1) Where any animal or thing is by any Act declared, or is under any Act adjudged by any court or other authority, to be forfeited, it shall, in the absence of express provision to the contrary, be forfeited to the Government, and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the Consolidated Fund, unless other provision is made.

(2) Nothing in this section shall affect any provision in any Act whereby any portion of any fine or forfeit or the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

Disposal of fines and penalties.

54. Any fine or penalty imposed by or under the authority of any Act shall, in the absence of express provision to the contrary, be paid into the Consolidated Fund.

Provision as to attempts.

55. A provision in any Act which constitutes an offence shall, unless a contrary intention appears, be deemed to provide also that an attempt to commit such offence shall be an offence under such provision, punishable as if the offence itself had been committed.

Where offence
is committed
by body
corporate.

56. Where any offence under any Act is committed by a body corporate then, unless a contrary intention appears, as well as the body corporate, any person who at the time of the commission of the offence, was concerned as a director or an officer, with the management of the affairs of such body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly, unless he proves to the satisfaction of the court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge, of the commission of the offence.

Liability of
employer or
principal.

57. Where any offence under any Act is committed by a person as an agent or employee then, unless a contrary intention appears, as well as the agent or employee the principal or employer shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not, by the exercise of reasonable diligence, have had knowledge, of the commission of the offence.

PART IX

DEMISE OF PRESIDENT APPOINTMENT, RETIREMENT AND POWERS OF OFFICERS

Demise of the
President.

58. Where there is a demise of the President, it is not necessary by reason of such demise that the holder of any such office again be appointed thereto or that, having taken an oath of office or allegiance before such demise, he again take such oath.

Powers of
Interim
President
to dismiss
and suspend.

59. Where there is a demise of the President, and another person takes his position as an Interim President:-

- (a) such person can not dismiss or suspend any person appointed by the demised President until such time he, or other person is elected as a President;
- (b) such person can appoint any person to hold office of any category in accordance with the powers of the demised President given under the Constitution or any other Act and such appointments shall be recognised as if made by the President and shall continue in force even after the election of another President unless the President so elected dismisses him or directs otherwise in accordance with paragraph (a) above.

Public officers
to hold office
during pleasure.

60. Every public officer appointed under the provisions of any Act, or any person holding an office under the provisions of the Constitution shall hold such office during the pleasure of the person who appointed him only, unless it is otherwise expressed in the Constitution the Act or in his commission or appointment.

Remunerations.

61. Where a person is appointed to an office, the appointing authority may fix, vary or terminate his remuneration, unless remuneration is fixed by a law.

Commencement
of
appointment
or
retirements.

62. Where a person is appointed to an office effective on a specified day, or where the appointment of a person is terminated effective on a specified day, the appointment or termination as the case may be, shall be deemed to have been effected immediately upon the expiration of the previous day.

Implied powers
respecting
President and
other public
officers.

63. (1) Words authorising the appointment of a public officer to hold office during pleasure include the power of:-

- (a) terminating his appointment or removing or suspending him;
- (b) re-appointing or reinstating him;
and
- (c) appointing another in his stead or to act in his stead,

is the discretion of the authority in whom the power of appointment is vested.

(2) Words directing or empowering a Minister to do an act or thing, or otherwise applying to him by his name of office, include a Minister acting for him, or, if the office is vacant, a Minister designated to act in the office by or under the authority of the President, and also his successors in the office but does not include his deputy.

(3) Words directing or empowering any other public officer to do any act or thing, or otherwise applying to him by his name of office, include his successors in the office and his or their deputy.

(4) Where a power is conferred or a duty imposed on the holder of an office or such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office.

Powers of
President
to rescind
order.

64. The President may rescind any order under the provisions of section 63(1)(a) and direct that persons to be re-appointed or reinstated with immediate effect,

provided that in such re-appointments or reinstatements, the President may:-

- (a) direct that his salary during the period of his termination or removal or suspension as the case may be, be forfeited; or
- (b) direct that his days in which he was terminated removed suspended or be regarded as leave without pay; or
- (c) give other conditions if any as may be specified in such directive.

PART X

MISCELLANEOUS

Rectification
of errors.

65. Where there is any clerical or printing error in any Bill or Act published in the Gazette, the Attorney General or any other law officer, may, by order in the Gazette, give directions as to the rectification of such error and every such direction shall be read as one with the Bill or Act to which it relates and such Bill or Act shall, with effect from the date of its first publication, take effect as so rectified.

Deviation
from forms.

66. Save as is otherwise expressly provided, whenever any form is prescribed by any Act, an instrument or document which purports to be in such form shall not be void by reason of any deviation therefrom which does not affect the substance of such instrument or document, or which is not calculated to mislead.

Majorities.

67. Where an act or thing is required or authorised to be done by more than two persons, a majority of them may do it.

Power of board etc., not affected by vacancy.

68. Where by or under any Act any board, commission, committee, or similar body, whether corporate or unincorporate, is established, then, unless the contrary intention appears, the powers of such board, commission, committee, or similar body shall not be affected by:-

- (a) any vacancy in the membership thereof;
- (b) the fact that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member thereof.

Savings of rights of Government.

69. No Act shall in any manner whatsoever affect the rights of the Government unless it is therein expressly provided, or unless appears by necessary implication that the Government is bound thereby.


Act to bind Government.

70. This Act shall bind the Government.

Repeal and savings Cap. I and Decree 1/64.

71. (1) The Interpretation Decree of 1953, Chapter I of the Laws of Zanzibar and the Existing Laws Decree, Decree number 1 of 1964 are hereby repealed.

Passed in the House of Representatives on 10th October, 1984.


IDI P. HASSAN

CLERK TO THE HOUSE OF
REPRESENTATIVES.

SHERIA YA UFAPANUZI YA MWAKA 1984

SEHEMU YA I

UTANGULIZI

Sehemu

1. Jina dogo.
2. Matumizi.
3. Tarehe ya kuanza kutumika.

SEHEMU YA II

TAPSIRI

4. Matumizi ya maneno mbali mbali.

SEHEMU YA III

5. Sheria kila siku inajieleza.
6. Sheria inajaaliwa kujirekebisha.
7. Sheria zilizopo zitumike baada ya marekebicho n.k. hadi ziondoshwe ama kusawazishwa.
8. Majina ya zamani yatafaisiriwe kwa kulingana na wakati.
9. Utangulizi.
10. Jina kamili na jina dogo.
11. Maandishi pembeni mwa mstari na maelezo kuhusu sheria iliyopita.
12. Uke/uume na nambari.
13. Matumizi ya vifungu vya ufsanuzi.
14. Maneno katika kanuni.
15. Maelezo kuhusu masafa.
16. Sehemu za misemo.

SEHEMU YA IV

MATUMIZI YA SHERIA ZA MUUNGANO KWA ZANZIBAR

17. Sheria za Muungano.
18. Sheria ndogo.

SEHEMU YA V

VIFUNGU VINAHUSIANA NA SHERIA

19. Sheria ziwe za umma kutambulika mahakamani.
20. Kifungu kuwa sheria kamili.
21. Uandishi na unukusaji wa sheria.
22. Mipaka ya matumizi.
23. Tarehe ya kuanza kutumika.
24. Sheria kuacha kutumika.
25. Uwezo unactolewa wa kurekebisha.
26. Kufuta sheria iliofuta.
27. Athari ya kufuta na mambo ya ujumla.
28. Athari ya kufutwa kwa sheria kwenye sheria ndogo.
29. Sheria inaweza kubadilishwa, au kufutwa katika kikao hicho hicho.
30. Tafsiri ya sheria inayosawazisha na inayosawazishwa.
31. Uchapishaji wa sheria mpya.
32. Maelezo kuhusu sheria iliyorekebishwa.
33. Kumukuliwa kwa mara mbili ambako sheria imeandikwa upya au kupitiwa.
34. Maelezo kuhusu sheria ni pamoja na sheria ndogo.
35. Sheria iwapo haitatumika baada tu ya kutungwa.

SEHEMU YA VI

VIFUNGU VINAVYOHUSU SHERIA NDOGO

36. Uchapishaji wa sheria ndogo.
37. Tarehe ya kuanza kutumika sheria ndogo.
38. Kutumika kwa sheria ndogo kabla ya tarehe ya kuchapishwa.
39. Ufafanuzi wa sheria ndogo.
40. Vitendo vilivyofanywa chini ya sheria ndogo vitahesabika kuwa ni vya sheria iliyounda sheria ndogo.
41. Jina la sheria ndogo.
42. Vifungu kuhusiana na uwezo wa kuunda sheria ndogo.
43. Ada.

SEHEMU YA VII

KUHESABU WAKATI

44. Wakati.
45. Hesabu ya wakati.
46. Ikiwa wakati haukutajwa.

SEHEMU YA VIII

VIFUNGU VYA JUMLA KUHUSIANA NA MASHTAKA NA ADHABU

47. Ushahidi wa sahihi ya Rais, Waziri au Mwanasheria Mkuu kutoa idhini.
48. Mashtaka ya kiofisa hayafutiki basda ya kifo n.k.
49. Adhabu haizuii mashtaka ya hukukiya.
50. Vifungu vya makosa chini ya sheria mbili au zaidi.
51. Kurekebishwa kwa adhabu.
52. Adhabu zilizowekwa zinaweza kupunguzwa.
53. Kuondosha kilichotaifishwa.
54. Utoaji wa faini na adhabu.
55. Sheria kuhusu jaribio.
56. Pale kosa linapofanywa na Shirika.
57. Kosa la muajiri au mkuu wa sehemu.

SEHEMU YA IX

KUFARIKI, KUCHAGULIWA, KUSATAAFU KWA RAIS NA UWEZO WA MAOFISA

58. Kufariki kwa Rais n.k.
59. Uwezo wa Rais wa muda kuschisha au kuajiri.
60. Maofisa wa Serikali kushika dhamana kulingana na mapendekezo.
61. Malipo.
62. Tarehe ya kuanza au kusimamishwa kazi.
63. Maneno yaidhinishaji kuteuliwa.
64. Uwezo wa Rais kufuta amri.

SEHEMU YA X

MCHANGANYIKO

65. Usawazishaji wa makosa.
66. Kubadilika kwa hati.
67. Uwingi.
68. Uwezo wa Bodi kuathirika na nafasi wazi.
69. Kuhifadhika haki za Serikali.
70. Sheria kuhusu Serikali.
71. Kufutwa kwa Sheria ya Tafsiri ya 1953, pamoja na Nam. 1/1964.

NAKUBALI



ALI HASSAN MWINYI
RAIS WA ZANZIBAR NA
MWENYEKITI WA BARAZA LA MAPINDUZI

1-12-1984.

SHERIA KWA AJILI YA KUPUTA NA KUWEKA
UPYA SHERIA YA TAPSIRI YA SHERIA NA
KUWEKA VIPUNGU VINAVYOHUSIANA NA UFAPANUZI,
UTUMIAJI NA TAPSIRI YA SHERIA PAMOJA NA MAMBO
MENGINE YANAYOHUSIANA NA HAYO.

IMETUNGWA na Baraza la Wawakilishi, Zanzibar.

SEHEMU I

UTANGULIZI

Jina dogo.

1. Sheria hii itajulikana kama Sheria
ya Ufafanuzi ya mwaka 1984.

Matumizi.

2. (1) Vifungu vya sheria hii vitatumika
katika na pamoja na kila sheria, bila ya kujali
kwamba ilitungwa kabla au baada ya kuanza kwa
sheria hii.

(2) Bila ya kutegemea yale yaliyoelezwa
na kijifungu (1) cha kifungu hichi, sheria hii
haitatumika katika kutafsiri ama ufafanuzi wa
Katiba, ambayo kwa madhumuni ya sheria itakuwa
si sheria.

(3) Vifungu vya sheria hii vitatumika
pia katika ufafanuzi wa sheria hii.

Tarehe ya
kuanza
kutumika.

3. Sheria hii itanza kutumika mara tu
Rais atakapotoa idhini yake.

SEHEMU II

TAFSIRI

Matumizi ya maneno mbali mbali.

4. Katika sheria hii na katika sheria yeyote nyengine, na katika nyaraka zote za Serikali sitakazotungwa, kutengenezwa, ama kutolewa kabla au baada ya kuanza kutumika kwa sheria hii, maneno na maelezo yafuatayo yatakuwa na maana zilizoinishwa katika ibara hii, isipokuwa kama imeelezwa waziwazi au kutokana na maelezo ya sheria hiyo, lina maana nyengine.

"sheria" wakati inapotumika kuhusiana na uandishi wa sheria;

(a) katika sheria zote zilizopitishwa kabla ya Januari, 1980 ina maana ya "dikrii";

(b) katika sheria zote zilizopitishwa na Baraza la Wawakilishi kuanzia na baada ya Januari, 1980 ina maana ni sheria ya Baraza hilo.

"kitendo" inapotumika kuhusiana na kosa la jinsi au la kihukukia hushirikisha pamoja na mfululizo wa makosa, na maneno yanayohusiana na makosa yaliyotendwa ambayo inahusu makosa ya kuacha kufanya;

"Sheria ya Jumuiya" maana yake ni sheria ya jumuiya iliyotungwa kufuatana na Sura ya XVI ya makubaliano na kuwa na nguvu za kisheria katika Zanzibar na au katika Jamhuri ya Muungano na pia maana yake ni sheria ya Uahirikiano wa pamoja wa Afrika Mashariki na Sheria ya "High Commission";

"daawa" maana yake ni mashtaka yoyote ya kihukukia katika mahkama na inajumuisha dai lolote chini ya Kamuni za Uendeshaji wa Mashtaka ya Hukukiya;

"Ofisa Tawala" maana yake ofisa tawala wa Mkoa, Wilaya au ofisa tawala yeyote wa ngazi yoyote;

"Wakili" maana yake ni mtu mwenye uwezo kisheria ambaye anaruhusika kufanya kazi ya uwakili katika Mahkama Kuu au Mahkama zilizo chini yake au katika Mahkama ya Rufaani, kama itavyokuwa kulingana na sheria ziwahusuzo mawakili katika wakati huo maalum;

"ndege" ni pamoja na ndege za baharini, mashua zinazoruka, vyombo vya anga na mabofu yarukayo juu;

"sheria iliokubalika" maana yake ni:-

- (a) sheria yeyote ya Bara Hindi au Uingereza ambayo inatumika Zanzibar;
- (b) Amri za Sheria (Order in Council) ambazo kwa wakati huu bado inatumika Zanzibar;
- (c) sheria yoyote ya Muungano inayohusu na kutumika Zanzibar kulingana na sehemu ya nne ya sheria hii;
- (d) sheria nyengine yeyote ambayo imekubalika kutumiwa Zanzibar.

"Katibu Mkuu" maana yake ni mtu aliyeteuliwa na Rais kuwa Katibu Mkuu na iwapo sheria yoyote inataja Msaidizi Waziri au Katibu wa Kudumu (Permanent Secretary) basi itafaisirike kuwa ni sawa na Katibu Mkuu;

"mkuu wa wilaya" maana yake ni mtu aliyeteuliwa na Rais kuwa mkuu wa wilaya na "Mkuu wa Wilaya" maana yake ni mkuu wa wilaya inayohusika;

"mwezi wa kalenda" maana yake ni kipindi kinachoanzia siku ya mwanzo ya mwezi na kumalizikia katika siku ya mwisho wa mwezi;

"Sura", "sehemu", "kifungu", "kanuni", na "nyongeza" inaonesha kwa mpangilio sura, sehemu, kifungu, kanuni ya na nyongeza ya sheria iliyosindikwa ambapo hayo maneno yametokea, na "kijifungu" na "kijisehemu" cha kifungu au kujifungu, kanuni au nyongeza, ambamo neno hilo limetokea na kijifungu kinaonesha kijifungu cha kifungu;

"fedha" maana yake ni fedha yoyote ambayo kwa wakati huu ni fedha halali katika Zanzibar;

"sheria za kawaida" maana yake ni sheria za kawaida za Uingereza zinasojumuisha misingi ya utu kama itumikavyo kwa wakati huu hapa Zanzibar;

"Jumuiya ya Madola" maana yake ni jumla ya wanachama wa Jumuiya ya Madola na koloni lolote jengine lililo chini ya mwanachama wa Jumuiya ya Madola na "mwanachama wa Jumuiya ya Madola" au nchi ya Jumuiya ya Madola maana yake ni Jamhuri ya Muungano ya Tanzania na nchi yoyote nyengine ambayo ni mwanachama wa Jumuiya ya Madola;

"Jumuiya" maana yake ni Jumuiya ya Afrika ya Mashariki kama ilivyocainishwa na Mkatiba wa Ushirikiano wa Afrika ya Mashariki;

"Mfuko Mkuu wa Hazina" maana yake ni Mfuko Mkuu wa Hazina ulioanzishwa kwa mujibu wa Katiba;

"Katiba" maana yake ni Katiba ya Zanzibar kama itakavyorekebishwa kutoka wakati hadi wakati;

"Katiba ya Jamhuri ya Muungano" maana yake ni Katiba ya Jamhuri ya Muungano ya Tanzania na kama itavyorekebishwa wakati hadi wakati;

"Katiba ya Chama" maana yake ni Katiba ya Chama cha Mapinduzi na kama itavyorekebisha au itavyosahihishwa wakati hadi wakati;

"mahkama" maana yake ni mahkama yoyote ya Zanzibar yenye uwezo wa kisheria na inajumuisha mahkama ya kadhi;

"Mahkama ya Rufaa" maana yake ni mahkama ambayo rufaa zinapelekwa kutoka mahkama kuu ya Zanzibar kwa mujibu wa sheria za Zanzibar na kama zitakavyosahihishwa wakati hadi wakati;

"Crown Ajenti" maana yake ni watu au chombo ambacho kwa wakati huo kinafanya kazi ya uwakilishi wa "Crown Ajenti" katika Serikali za ng'ambo au nchi za nje pamoja na utawala wake au moja katika ya hizo;

"mchana" maana yake ni kipindi baina ya saa kumi na mbili za asubuhi na kumi na mbili na nusu za jioni;

"ufafanuzi" maana yake ni ufafanuzi uliotolewa na sheria yoyote iliyoandikwa kuhusiana na neno au maelezo yoyote;

"wilaya" maana yake ni mojawapo ya wilaya ambapo Zanzibar imegawanywa kulingana na Katiba;

"Hakimu wa Wilaya" inajumuisha Hakimu Mkaazi;

"uongozi wa Afrika Mashariki" ina maana ya uongozi wa Afrika Mashariki chini ya Mkatiba wa Ushirikiano wa Afrika ya Mashariki;

"kussafirisha" maana yake ni kutoa nje au kussababisha kutolewa nje ya Zanzibar kwa njia ya angani, barabara, au maji isipokuwa iwe kitu hicho kinsipita njia tu (transit);

"ofisa wa mambo ya nje" maana yake ni ofisa aliyeajiriwa na Serikali au na Jamhuri ya Muungano wa Tanzania kuchukua dhamana au kushikilia kwa muda katika uteuzi wa mambo ya nje ya Zanzibar au Jamhuri ya Muungano, kama itavyokuwa;

"mwaka wa fedha" maana yake ni kipindi kuanzia siku ya mwanzo ya mwezi wa Julai ya mwaka wowote hadi siku ya thelathini ya mwezi Juni ya mwaka unaofuata na siku hizo mbili pia zinaingia;

"Gazeti" maana yake ni Gazeti Rasmi la Serikali la Zanzibar linalochapishwa kwa amri ya Serikali na inaingiza nyongeza yoyote ihusikayo;

"Tangazo Maalum" maana yake ni tangazo lolote ambalo silo lenye sura ya kisheria lililotolewa na Gazeti na au idhini ya Rais, Waziri au ofisa mwengine wa Serikali kwa mujibu wa uwezo aliopewa kisheria;

"Serikali" maana yake ni Serikali ya Mapinduzi ya Zanzibar;

"Mchemia wa Serikali" ni pamoja na msaidizi au Mchemia aliyeajiriwa na Serikali;

"Tangazo la Serikali" maana yake ni sheria yeyote ndogo, iliyotengenezwa na Rais au ofisa yoyote wa Serikali au uongozi mwengine kulingana na uwezo aliopewa na sheria yoyote;

"Mchapishaji wa Serikali" maana yake ni mchapishaji wa Serikali wa Zanzibar, na mchapishaji yoyote mwengine aliyeruhusiwa na au kwa nisba ya Serikali kuchapisha sheria yoyote iliyotungwa au iliyoandikwa au nyaraka yoyote nyengine ya Serikali;

"Muhuri wa Serikali" maana yake ni Muhuri wa Serikali kama ulivyokubaliwa uwe;

"Mahkama Kuu" maana yake ni Mahakama Kuu
ya Zanzibar;

"hamu ndani" inapotumika katika kifungu chochote
ifahamike kuhusiana na sheria yote, na
wala siyo kwa kifungu hicho tu;

"sikukuu" maana yake ni siku yoyote kati
ya hizi zifuatazo:-

- (a) siku ya Mapinduzi (Januari, 12);
- (b) kuzaliwa kwa CCM (Februari, 5);
- (c) siku mbili za mwanzo wa sikukuu ya
Idd-El-Fitri;
- (d) Ijumaa Kuu;
- (e) Jumatatu ya Pasaka;
- (f) siku moja katika sikukuu ya Iddi-El-Haji;
- (g) siku ya Muungano (April, 26);
- (h) siku ya wafanyakazi ulimwenguni (Mei, 1);
- (i) siku ya Maulid ya Mtume;
- (j) siku ya Wakulima (Julai, 7);
- (k) siku ya uhuru na Jamhuri ya Tanganyika
(Disemba, 9);
- (l) siku ya Krismasi (Disemba, 25);
- (m) siku iliyoteuliwa na Rais kwa taarifa
katika Gazeti kuwa ni sikukuu kwa sala
ya jumla au msiba au maombezi au kwa
furaha ya jumla au kwa kutoa shukrani au
kwa shughuli nyengine maalum na sikukuu
ya Serikali itatafsiriwa kwa maana hiyo;

"Baraza la Wawakilishi" maana yake ni Baraza
la Wawakilishi kama lilivyoanzishwa na
Katiba;

"mali isiyoondosheka" ni pamoja na ardhi, iwapo
imefunikwa au haikufunikwa na maji, shamba
lolote, haki, riba au kijisehemu katika au
kinachohusiana na ardhi na vitu, vilivyomo
katika ardhi hiyo au vilivyofungamanishwa
na kitu chochote kilichomo kwenye ardhi hiyo
kwa njia ya kudumu na inahusika pia deni
lililotokana na rahani au amana ya mali
isiyoondosheka;

"kuagiza" maana yake ni kuleta au kusababisha kuletwa Zanzibar kwa njia ya anga, ardhi au maji;

"Jaji" maana yake ni Jaji wa Mahakama Kuu na inajumuisha pamoja na mtu yoyote aliyeteuliwa kuwa Jaji wa Mahakama Kuu kwa muda;

"chombo cha kutunga sheria" maana yake ni Baraza la Wwakilishi au chombo chochote chengine cha Serikali ambacho ni dhamana wa kutunga sheria katika wakati unaohusika;

"ofisa wa sheria" maana yake ni mtu yoyote anayefanya kazi katika Ofisi ya Mwanasheria Mkuu ambaye anatambulika kisheria, lakini haijumuishi Mwanasheria Mkuu;

"Serikali za Mitaa" maana yake:-

- (a) pale ambapo hilo eneo la Zanzibar ni jiji, manispaa au ni mji, Baraza la Manispaa au Baraza la Mji la eneo hilo ambalo limeanzishwa kwa mujibu wa sheria zilizopo;
- (b) pale ambapo eneo hilo la Zanzibar lipo ndani ya dhamana ya Halmashauri ya Wilaya au Halmashauri ya Maendeleo, ni hiyo Halmashauri ya Wilaya au Halmashauri ya Maendeleo, vyovyote iwavyo;

"Hakimu" maana yake ni Hakimu Mkaazi wa daraja lolote, na inajumuisha Hakimu wa Wilaya au Hakimu wa Mahakama ya Mwanzo;

"ndoa" maana yake ni ndoa iliyofungwa chini ya, au kutambuliwa kuwa ni sahihi na sheria za Zanzibar, na maneno "mume", "mke", na "mtu aliyepa au aliyeolewa" yatatafsirika vivyo hivyo;

"inawezekana" itafsirike kuwa ni neno
linaloruhusu;

"waziri" maana yake ni:-

- (a) Waziri Kiongozi;
- (b) mtu aliyeteuliwa kuwa Waziri wa Serikali kwa mujibu wa Katiba; au
- (c) mjumbe wa Baraza la Mipinduzi; na "Waziri" maana yake ni Waziri muhusika katika suala linalozungumziwa, au ikiwa hakuna Waziri muhusika kwa suala hilo, maana yake ni Waziri Kiongozi;

"mtoto" maana yake ni mtu ambaye hajafika umri wa miaka 18 na neno "mtoto mchanga" yatafsirike ipasavyo;

"mwezi" maana yake ni mwezi wa kalenda, isipokuwa pale ambapo maneno yameongezwa kukusudia mwezi mdogo pale mwezi unapoeleza kuwa unaanza, au unapotakiwa kuhesabiwa kuwa unaanza katika tarehe zaidi ya tarehe ya mwanzo wa mwezi, mwezi utahesabika kumalizika mara tu kabla ya mwezi unaopita haujaanze, ikiwa kipindi kilichoeleza ni zaidi au chini ya siku thelathini;

"mali inayoondosheka" ni mali yoyote ya wasifu wowote umbo lolote ambayo inaweza kuondoshwa isipokuwa ile mali isyoondoshaka;

"kiapo" na "kuhakikisha" katika kesi ya mtu ambaye ameruhusiwa kisheria kuthibitisha badala ya kula kiapo, ni pamoja na uthibitisho na kuahidi na "kiapo" (yamini) katika kesi ya namna hiyo ni pamoja na "kuthibitisha" na kuahidi;

"kushika" ni pamoja na kutumia, kukaa, kumiliki au kuwa na mamlaka katika nyumba kufuatana na matumizi ya neno hilo; bila ya kuingiza mtumishi au mtu anashughulikia nyumba hiyo au anaeitunza au anayeiangalia kama ni dhamana;

"kosa" maana yake ni kosa la jinai lolote, kosa kubwa, kosa dogo au ukiukaji mwingine wa sheria, au kushindwa kutenda kulingana na sheria yoyote iliyosindikwa ambapo adhabu imeainishwa;

"Bunge" maana yake ni Bunge la Jamhuri ya Muungano;

"Chama" maana yake ni Chama cha Mapinduzi kama kilivyoanzishwa na Katiba ya Chama;

"Ofisa wa Polisi" maana yake ni askari polisi yoyote wa cheo cha au zaidi ya Cheo cha Konstabuli;

"uwezo" ni pamoja na fursa, uongozi au mapendekezo;

"iliyoelezwa" maana yake ni iliyoelezwa na sheria ambayo hilo neno limetokea au na sheria yoyote ndogo iliyotengenezwa chini yake;

"Rais" ni mtu aliyechaguliwa kuwa ni Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi na ni pamoja na mtu yoyote ambaye anafanya kazi kwa niaba yake kulingana na uwezo aliopewa na sheria yoyote;

"Rais wa Jamhuri ya Muungano" maana yake ni Rais wa Jamhuri ya Muungano na ni pamoja na mtu yoyote anayefanya kazi za Rais wa Jamhuri ya Muungano kufuatana na Katiba ya Jamhuri ya Muungano;

"Tangazo" maana yake ni tangazo lililotiwa muhuri wa Serikali;

"utumishi wa serikali" maana yake ni Ofisi au kazi yoyote ambayo ikifanywa na mtu itamfanya huyo mfanyakaji awe ni afisa wa serikali;

"ofisa wa serikali" ni mtu yoyote katika kazi ya Serikali ya Zanzibar na Mashirika yake iwapo kazi au ofisi hiyo ni ya kudumu au ya muda, au ya kulipwa au kutolipwa;

"pahala pa jumla" ni pamoja na sehemu ambapo wananchi wana uwezo au wanaruhusiwa kwenda ikiwa kwa malipo au vyenginevyo;

"Shirika la Serikali" maana yake ni chombo cha ushirika kilichoanzishwa na au chini ya sheria yoyote iliyoandikwa isipokuwa chombo kilichoanzishwa chini ya sheria ya Makampuni, na inajumuisha Shirika ambalo limeanzishwa chini ya sheria hiyo;

"maandiko" ni pamoja na vitu vyote vilivyoandikwa na kuchapishwa, na kumbukumbu zozote, kanda za sauti, waya, sahani za santuri, picha za sinema, au kwa njia nyengine ambapo maneno au mawazo yanaweza kuwakilishwa au kusambazwa na kila kitu, ikiwa cha umbo kama hili au siyo, ikiwa inayo njia yoyote ya kuonekana ambayo unaweza kutoa, kutoa upya, kuwakilisha au kusambaza maneno au mawazo na nakala zote pamoja na matoleo mapya ya kila kilichochapishwa;

"chombo cha Serikali" maana yake ni:-

- (a) Idara yoyote ya Serikali;
- (b) Jumuiya;
- (c) Serikali za Mtaa;
- (d) bodi yoyote nyengine, kamisheni, kamitii au chombo chengine, ikiwa kinalipwa au hakilipwi ambacho kimepewa uwezo wa kufanya, ikiwa wa muda au wa kudumu, kazi za Serikali;

"redio" au "mawasiliano ya redio" maana yake ni matangazo yoyote, matoleo, upokezi wa alama, ishara, maandishi, viwakilisho, sauti za upelelezi au za umbile lolote lile kwa njia ya mawimbi ya electromagnetiki yarushwayo katika anga bila ya muongozo wa binadamu;

"Mkoa" maana yake ni sehemu yoyote ya Zanzibar iliyotangazwa au iliyokusudiwa kutangazwa na Rais chini ya vifungu vya Katiba kuwa ni Mkoa;

"mkuu wa Mkoa" maana yake ni mtu aliyeteuliwa na Rais kuwa ni Mkuu wa Mkoa, na Mkuu wa Mkoa maana yake ni Mkuu wa Mkoa unaohusika;

"kufuta" ni pamoja na kuondosha, kupinga, kukataa au kuweka upya badala ya iliyokuwepo mwanzo;

"ofisa mapato" maana yake ni ofisa aliyeteuliwa na Serikali kufanya kazi zinazohusiana na ukusanyaji wa mapato ya Serikali;

"kanuni" ni pamoja na kanuni za mahakama, sheria ndogo na kanuni;

"kanuni za mahakama" zinapotumika kuhusiana na mahakama yoyote maana yake ni sheria zilizotungwa na uongozi ambamo kwa wakati huo unao uwezo wa kutunga sheria au amri zinazoendesha utendaji kazi na utaratibu wa mahakama hiyo;

"mauzaji" ni pamoja na ubadilishanaji bila ya kutumia pesa, kubadilishana na nia ya kuuza au kutangaza kwa ajili ya biashara na kuuza;

"huduma" pale sheria inapoamrisha au kutaka apewe mtu yoyote, ikiwa neno "ahudumiwe", au "apewe", au "apelekewe" au neno lolote jengine limetumika, hapo isipokuwa kinyume chake kionekane, huduma hiyo itatekelezwa kwa amuani ipasavyo na kutiwa posta, baada ya malipo na, isipokuwa kinyume chake kuthibitika, huduma itahesabiwa kutimia katika wakati ambapo ile barua itapokelewa katika njia ya kawaida ya posta;

"itafanywa" itafairike kuwa ni lazima kufanywa;

"sahihi" kuhusiana na mtu asiyeweza kuandika jina lake ni pamoja na alama zozote anazoweka;

"ahadi za kisheria" likitolewa:-

- (a) Zanzibar maana yake ni ahadi zilizotolewa chini ya sheria ya viapo;
- (b) katika Jamhuri ya Muungano au pahala pengine zaidi ya Zanzibar au katika nchi yoyote ya Jumuiya ya Madola maana yake ni ahadi zilizotolewa mbele ya Kamishna wa Viapo au watu wengine wenye uwezo chini ya sheria yoyote inayohusika kuchukua au kupokea ahadi hizo;
- (c) katika pahala pengine popote maana yake ni ahadi zilizotolewa mbele ya ofisa wa mambo ya nje ambaye ana uwezo wa kisheria kusimamia kiapo, au mbele ya mtu yoyote ambaye ana uwezo wa kisheria au yule ambaye kwa wakati huo ameteuliwa na Waziri anayehughulikia mambo ya sheria kwa amri katika Gazeti;

"njin" au "barabara" ni pamoja na njia kuu, njia, daraja, sehemu nyengine za kupita pamoja na njia ya miguu ambazo watu wanao uwezo au wameruhusiwa kupita ikiwa kwa malipo au vyenginevyo;

"sheria ndogo" maana yake ni sheria iliyotungwa kwa mujibu wa uwezo wowote aliopewa kisheria mtu yeyote kwa njia ya sheria, taarifa, amri, tangazo, sheria ya mahakama, kanuni, au chombo chengine kilichotungwa chini ya sheria yoyote au uongozi mwengine wa halali;

"maji yaliyomo ndani ya mipaka ya nchi"

(a) inapotumika kuhusiana na Zanzibar maana yake ni sehemu yoyote ya bahari kuu na ambayo inatambuliwa na Serikali na iliyo ndani ya maili fulani kutoka mwambao wa Zanzibar iliyopimwa wakati wa maji kupwa ambayo inatambulika kimataifa chini ya sheria za bahari, na inajumuisha maji yoyote mengine yaliyomo ndani ya Zanzibar;

(b) inapotumika kuhusiana na Jamhuri ya Muungano maana yake ni maji yoyote ya nchi na ambayo yanatambuliwa na Serikali ya Jamhuri ya Muungano kama inavyotambuliwa kimataifa chini ya sheria za bahari na inajumuisha maji yaliyomo ndani ya Jamhuri;

"Hazina" maana yake ni Waziri anaehusika na mambo ya fedha na ofisa mwengine au wengine wa Wizara yake ambao watawekwa na yeye kufanya kazi kwa niaba ya Hazina kufuatana na uwezo au kazi yoyote iliyocainishwa au kulazimishwa Hazina kuitenda kwa mujibu wa sheria yoyote;

"mwasiliano ya mbali" maana yake ni matangazo yoyote, ujumbe, su upokeaji wa ishara, alama, maandishi, sura su sauti au upelelezi wa umbile lolote kwa waya, redio, vyombo vya kuones au vyombo vyengine vya electromagnetiki, uneme au smaku;

"Siku ya Muungano" maana yake ni siku ya 26 ya mwezi wa Aprili, 1964;

"Dola ya Uingereza" maana yake ni Uingereza na Ireland ya Kaskazini;

"Jamhuri ya Muungano" maana yake ni Jamhuri ya Muungano wa Tanganyika na Zanzibar;

"chombo" ni pamoja na meli yoyote au mashua au chombo chochote chengine kinachotumika katika safari za majini;

"Makamo wa Rais" maana yake ni Makamo wa Rais wa Jamhuri ya Muungano;

"usia" inajumuisha na usia wa nyongeza;

"maandishi" au neno lolote lenye maana hiyo ni pamoja na maneno yaliyochapishwa, yaliyopigwa chapa, kuchorwa, yaliyopigwa picha au yaliyowakilishwa au kutolewa tena katika sura ya kuonekana;

"sheria iliyoandikwa" maana yake:-

- (a) sheria zote pamoja na sheria za Jumuiya ambazo zinatumika katika Zanzibar kwa wakati huu;
- (b) sheria yoyote ndogo ambayo inatumika katika Zanzibar kwa wakati huu; au
- (c) sheria iliyokubalika pamoja na masahihisho yoyote yanayohusika na ambayo inatumika Zanzibar kwa wakati huu;

"mwaka"

- (a) unapotumika kuhusiana na mwaka wa kalenda maana yake ni kipindi kinachoanzia siku ya mwanzo ya mwezi Januari hadi siku ya thelathini na moja ya mwezi Disemba ya mwaka huo;
- (b) unapotumika kuhusiana na mwaka mmoja maana yake ni kipindi chochote cha miezi kumi na mbili mfululizo;

"Zanzibar" maana yake ni Visiwa vya Unguja na Pemba pamoja na vijisiwa vidogo vidogo vilivyo katika Bahari ya Zanzibar, na pale "Zanzibar" inapotumika kijiografia maana yake ni yale mseneo ambayo kwa pamoja hapo zamani yalikuwa yakijuilikana kwa jina la Jamhuri ya Watu wa Zanzibar.

SEHEMU YA III

Sheria kila siku inajieleza.

5. Sheria ni lazima ifahamike kwamba kila siku inajieleza, na wakati wowote umbo au vitu vinapoelezwa katika wakati wa sasa, ni lazima itumike katika mazingira yatakayotokea, ili kwamba umuhimu uwekwe katika hiyo sheria na katika kila sehemu yake kulingana na makusudio, nia na maana yake.

Sheria inajaaliwa kujirekebisha.

6. Kila sheria ionekane kwa njia inayoweza kujirekebisha na ipewe tafsiri hiyo, pamoja na uchambuzi ambao kwa kiwango kikubwa kabisa utahakikisha kupatikana kwa malengo yaliyokusudiwa na chombo cha kutunga sheria.

Sheria zilizopo
zitumike baada
ya mareke-
bisho n.k.
hadi ziondo-
shwe ama
kusawazishwa.

7. Sheria zilizokuwa zikitumika mpaka kabla ya tarehe kumi na moja Januari, 1964 zitaendelea kutumika na zitakuwa na marekebisho fuleni, maingizo au mapunguzo ambayo yatahakikisha kupatikana kwa mazingara ya kisasa kama itarajiwavyo.

Majina ya
samani
yatafsiriwe
kwa
kulingana
na wakati.

8. (1) Bila ya kuathiri sheria yeyote iliotungwa na chombo cha kutunga sheria:-

- (a) ikiwa sheria ya zamani yeyote inataja Sultani au Waziri Mkuu aliyepita basi isomeke na ieleweke kuwa ni maana ya Raisi;
- (b) ikiwa sheria ya zamani yoyote inataja "British Resident" au "Resident in Council" basi isomeke kuwa na maana ya Waziri ambae ni mdhamana wa suala hilo katika wakati huu;
- (c) isipokuwa ikiwa, pale sheria hizo za Sultan aliyekuwepo, Waziri Mkuu "British Resident" au "Resident in Council" au "Chief Secretary" zinahusu watu wengine zaidi ya wale waliotajwa hapo juu kwenye 1(a), (b) na (c) isomeke na ieleweke kwa wadhifa huo mwengine ambae, kwa tafsiri ilivyo, ndivyo inavyoeleweka.

(2) Maelezo yoyote katika sheria yoyote yahusuyo "Protectorate" yasomeke kuwa yanahusu Zanzibar.

Utangulizi.

9. Utangulizi wa sheria haitakuwa ni sehemu ya sheria lakini itawajibika kusomwa kama ni kitu kilichokusudiwa kusaidia kufafanua madhumuni na malengo yake ya sheria hiyo.

Jina kamili
na jina dogo.

10. Jina kamili na jina dogo la sheria hayatakuwa ni sehemu ya sheria, lakini yasomeke kama ni sehemu ambazo zimekusudiwa kusaidia katika kufafanua madhumuni na kwa ajili ya kukariri tu.

Maandishi
pembeni mwa
mstari na
maelezo
kuhusu sheria
iliyopita.

11. Maandishi yaliyo pembeni mwa mstari na maelezo kuhusu sheria iliyopita hayatakuwa sehemu ya sheria, lakini yatahesabika kuwa yameingizwa kwa faida ya kukariri tu.

Uka/uume
na nambari.

12. Katika sheria yoyote, isipokuwa kinyume cha maana kionekane:-

- (a) maneno yatumiayo mwanamme pia yanahusu mwanamke;
- (b) maneno yatumiayo mwanamke pia yanahusu mwanamme;
- (c) maneno katika umoja pia yanajumuisha uwingi na maneno katika uwingi pia yanajumuisha na umoja.

Matumizi
ya vifungu
vya
ufafanuzi.

13. (1) Maana au kanuni za ufafanuzi zilizomo katika sheria zinatumika katika ufafanuzi wa vifungu vya sheria vinavyohusika pamoja na sheria nzima.

(2) Pale ambapo sheria inacho kifungu cha ufafanuzi, isomeke na kueleweka:-

- (a) kuwa utatumika tu pale ambapo hapatokuwako na mgongano na sheria wenyewe;
- (b) kuwa utatumika kwa sheria zote nyengine zinazohusiana na mada hiyo isipokuwa kama lengo jengine litaonekana.

Maneno
katika
kanuni.

14. Pale sheria inapotosa uwezo wa kuunda kanuni, maelezo yatakayotumika katika kanuni hizo yanakuwa na maana ile ile kama ilivyo katika sheria iliyotosa uwezo huo.

Maelezo
kuhusu
masafa.

15. Katika upimaji wa masafa yoyote kuhusiana na sheria, ila pale sheria inapohitajia vyenginevyo, masafa hayo yatapimwa kwa mpango wa usawa (straight line) katika usawa uliolala (horizontal plane).

Sehemu za
msembo.

16. Pale iwapo neno limetafsiriwa basi sehemu nyengine ya neno hilo litatafsiriwa kwa mujibu wa msembo ulivyo.

SEHEMU YA IV

MATUMIZI YA SHERIA ZA MUUNGANO KWA ZANZIBAR

Sheria za
Muungano.

17. (1) Hakuna sheria yoyote itakayopitishwa na Bunge la Muungano ambayo itatumika Zanzibar mpaka sheria hiyo iwe ni kwa ajili ya mambo ya Muungano tu na ipitishwe kulingana na maelekezo yaliyo chini ya vifungu vya Katiba ya Jamhuri ya Muungano.

(2) Sheria kama hiyo lazima ipelekwe mbele ya Baraza la Wawakilishi na Waziri anayehusika.

Sheria ndogo.

18. Pale sheria ndogo inapoundwa kwa mujibu wa uwezo uliotolewa na sheria hii chini ya kifungu cha 17 (1) na (2) sheria hii itatumika tu pale itakapotimiza shuruti zote zilizowekwa kwa matumizi ya sheria mama (parent act) kama ilivyoainishwa katika kifungu hiki.

SEHEMU YA V

VIFUNGU VINAHUSIANA NA SHERIA

Sheria ziwe
za umme
kutambulika
mahakamani.

19. Kila sheria ni sheria ya umma
na inatambulika mahakamani kama ilivyo isipokuwa
kama kuna kitu kinachoonesha kinyume chake.

Kifungu kuwa
sheria
kamili.

20. Kila kifungu cha sheria kitakuwa
na maana pekee bila ya maneno ya nyongeza
au vianzio.

Uandishi na
unukuuji wa
sheria.

21. Wakati sheria inapotajwa, itakuwa
inatoshesheleza kwa shughuli zote:-

- (a) kuiita sheria hiyo kwa jina dogo,
kama lipo, ambalo limeelezwa
kuwa ndilo hilo au;
- (b) kuiita sheria hiyo kwa jina lake
kamili, au
- (c) kuiita sheria hiyo kwa mwaka ambao
ilitoka na nambari ya sheria hiyo
katika jumla ya sheria zilizotoka
mwaka huo; au
- (d) katika toleo jipya (revised edition)
lililosahihishwa sheria hiyo kwa
jina fupi au kwa nambari ya sura
ya sheria hiyo isipokuwa tu inaweza
kuwa maelezo yawe ni kwa mujibu wa
nakala za sheria zilizochapishwa
na wachapishaji wa Serikali.

(2) Jina la au maelezo kuhusu sheria
fulani litahesabiwa kuwa ni jina la au maelezo
ya sheria ambayo imesahihishwa.

Mipaka ya
matumizi.

22. (1) Kila sheria inatumika kwa Zanzibar yote isipokuwa ikiwa itaelezwa vyenginevyo ndani ya sheria hiyo.

(2) Pale ambapo sheria isiyotumika katika Zanzibar nzima itarekebisha, hakuna kifungu katika sheria hiyo mpya kitachotumika katika sehemu yoyote ya Zanzibar ambayo haikuhusika na sheria ile ya mwanzo (iliyorekebisha), isipokuwa kama itaeleza yenyewe kwamba marekebisha hayo yataihusu sehemu ya Zanzibar au Zanzibar nzima.

Tarehe ya
kuanza
kutumika.

23. (1) Katibu wa Baraza la Wawakilishi ataingiza katika kila sheria, mara tu baada ya jina la sheria hiyo, siku, mwezi na mwaka ambapo sheria hiyo imepitishwa chini ya jina la Rais na maandishi hayo yatachukuliwa kuwa ni sehemu ya sheria, na tarehe ya idhini hiyo itakuwa ndiyo tarehe ya kuanza kutumika kwa sheria hiyo ikiwa hakuna tarehe nyengine iliyowekwa kuanza kutumika.

(2) Ikiwa sheria yoyote au sehemu ya sheria imeelezwa kuwa imeanza, au itaanza kutumika katika tarehe fulani maalum, itahesabiwa kuanza mara tu pale siku iliyoitangulia siku iliyotajwa itakapomalizika.

(3) Ikiwa imeelezwa katika sheria yoyote kwamba itaanza kutumika katika tarehe fulani ambayo Rais au Waziri ataituwa kwa tangazo katika Gazeti, na ikiwa Rais au Waziri kwa tangazo katika Gazeti ataituwa tarehe hiyo itakuwa halali kwa Rais au kwa Waziri katika wakati wowote kabla ya tarehe iliyotangazwa kuifuta tarehe hiyo kwa tangazo jengine na kuteuwa tarehe nyengine.

Sheria kuacha kutumika.

24. Iwapo sheria imeelezwa siku ya kumalizika muda au kutoweza tena kufanya kazi katika siku maalum, itahesabiwa kuacha kutumika kuanzia siku inayofuatia baada ya siku hiyo kufika.

Uwezo unaoolewa wa kurekebisha.

25. Pale sheria inapotoa uwezo wa kutunga:-

- (a) kanuni au sheria ndogo ndogo;
- (b) amri au sheria ndogo kutengenezwa na vyombo vya sheria, ina maana isipokuwa kinyume chake kionekane, ni uwezo unaoviwzesha katika utaratibu huo huo na kufuatana na shuruti au mipaka hiyo hiyo, kufuta, kurekebisha au kuunda tena kanuni hizo zilizoundwa chini ya uwezo huo.

Kufuta sheria iliofuta.

26. Pale sheria itapofuta sheria nyengine iliyofuta sheria, sheria hiyo mpya haitengenezi sheria nyengine ambayo imeondolewa isipokuwa kama yataingizwa maneno kuonesha hivyo.

Athari ya kufuta na mambo ya ujumla.

27. (1) Bila ya kuingilia kifungu cha 26, pale sheria inapofuta sheria nyengine, nusu ama yote, sheria hiyo mpya isipokuwa kinyume chake kionekane, haikusudii:-

- (a) kufufua kitu chochote ambacho hakina nguvu katika wakati ambapo sheria mpya inanza kutumika;
- (b) kuathiri kazi zilizopita za sheria iliyoondoshwa au kitu chochote kilichoathirika na sheria hiyo;
- (c) kuthiri haki zozote, fursa, majukumu au makosa yanayopatikana, yanayotokea au yaliyotokea chini ya sheria iliyoondoshwa; au

- (d) kusthiri adhabu yoyote, ya utaifishaji au adabu iliyotolewa kutokana na kosa lolote lililofanywa kinyume na kifungu kilichofutwa; au
- (e) kusthiri upelelezi wowote, mashtaka au daawa au haki kutokana na haki hiyo, fursa, majukumu, kosa, adabu, kutaifisha au adhabu; na upelelezi wa sina hiyo au mashtaka inaweza kuanzishwa, kuendelezwa au kutiliwa nguvu, na adhabu yoyote ya utaifishaji au adhabu inaweza kutekelezwa kama kwamba sheria mpya haijapitishwa.

(2) Kifungu hiki kinahusu kumalizika muda kwa sheria ya muda kama kwamba imefutwa na sheria nyengine.

Athari ya kufutwa kwa sheria kwenye sheria ndogo.

28. Pale ambapo sheria yoyote au sehemu ya sheria imefutwa na kuundwa tena kwa sheria nyengine, sheria ndogo iliyoundwa chini ya sheria au sehemu ya sheria ambayo imefutwa isipokuwa kinyume chake kionekane, itaendelea kutumika iwapo tu haipingani na vifungu vya sheria mpya, mpaka pale ambapo sheria ndogo hiyo itakapopingwa na sheria ndogo nyengine, iliyoundwa chini ya sheria mpya au sehemu ya sheria mpya, na mpaka pale ambapo kufutwa huko kutakuwa ni kwa halali kwa mujibu wa vifungu vya sheria mpya.

Sheria inaweza kubadilishwa, au kufutwa katika kikao hicho hicho.

29. Sheria inaweza kubadilishwa, kusahihishwa, au kufutwa katika kikao cha Baraza la Wawakilishi ambacho kiliipitisha.

Tafsiri ya sheria inayosawazisha na inayosawazishwa.

30. Pale sheria moja inayosawazisha sheria nyengine sheria inayosawazisha, maadam tu haitafautiani na isipokuwa nia tofauti ionekane, itafsirike kama ni moja na sheria inayosawazishwa.

Uchapishaji
wa sheria
mpya.

31. Ikiwa sheria imesahihishwa, itakuwa ni halali kwa wachapishaji wa Serikali, kwa idhini ya Mwanasheria Mkuu, kutoa nakala za sheria pamoja na kuongeza maongezo mengine muhimu, kupunguza, kubadilisha na matengenezo yatakayosababishwa na sheria mpya na nakala kama hizo zitahesabika kuwa ni nakala sahihi za sheria hiyo iliyorekebishwa.

Maelezo
kuhusu
sheria
iliyore-
kebishwa.

32. Pale ambapo katika sheria inanukuu sheria nyengine yoyote ilioandikwa, maelezo hayo, isipokuwa pale maana itakavyohitaji vyengine, yatahesabika kuwa ni maelezo kuhusiana na sheria hiyo iliyoandikwa kama itavyorekebishwa wakati hadi wakati.

Kumukuliwa
kwa mara
mbili
ambako sheria
imeandikwa
upya au
kupitiwa.

33. Pale sheria inapokuwa na maelezo kuhusiana na kifungu chochote cha sheria iliyoandikwa ambayo imefutwa na kuundwa tena, au sheria halisi iliyorudiwa ambayo imechapishwa, maelezo ya namba hiyo yatafsiriwe kuhusiana na kifungu mkabala (corresponding provision) cha sheria ambayo imeundwa tena, au iliyopitiwa.

Maelezo
kuhusu sheria
ni pamoja na
sheria ndogo.

34. Maelezo yoyote kuhusiana na sheria katika sheria yoyote inajumuisha maelezo ya sheria ndogo yoyote iliyoandikwa chini ya sheria ambayo maelezo yametoka.

Sheria iwapo
haitatumika
baada tu ya
kutungwa.

35. Pale ambapo sheria haitatumika mara tu baada ya kutungwa inatowa uwezo wa kuteuwa au kufanya sheria ndogo au kitu chengine chochote kwa madhumuni ya sheria hiyo, uwezo huo unaweza ila iwapo maelezo yahitajia vyenginevyo, itafanywa wakati wowote baada ya sheria hiyo kutungwa kwa kiwango kile ambacho ni lazima au muhimu kwa madhumuni ya kufanya sheria hiyo itumike katika tarehe ya kuanza, kwa kuzingatia kwamba uteuzi wowote au sheria ndogo au kitu chengine chochote kilichofanywa, kutolewa au kutendwa chini ya nguvu hizo, ila iwapo maelezo yanahitajia vyenginevyo, au ila iwapo kitendo hicho, au sheria ndogo hiyo

ni lazima kwa kufanya sheria hiyo itumike hakitokuwa na nguvu yeyote ila hapo sheria itapoanza kutumika.

SEHEMU YA VI

VIFUNGU VINAVYOHUSU SHERIA NDOGO

Uchapishaji
wa sheria
ndogo.

36. Sheria ndogo zote isipokuwa iwe imeelezwa vyenginevyo katika sheria hiyo au imehusiana na uteuzi wa mtu yoyote katika ofisi yoyote au imehusiana na jambo lolote lisilokuwa na nguvu ya kisheria, zitachapishwa katika Gazeti na zitatambuliwa mahakamani.

Tarehe ya
kuanza
kutumika
sheria ndogo.

37. Sheria ndogo yoyote iliyochapishwa katika Gazeti itaanza kutumika katika siku ambayo ilichapishwa au, ikiwa imeainishwa ama katika sheria ndogo hiyo au kifungu chengine chochote itaanza kutumika katika tarehe nyengine, sheria ndogo kama hiyo au, kifungu cha namna hiyo, na bila kuathiri kifungu cha 38, itaanza kutumika katika tarehe hiyo nyengine.

Kutumika
kwa sheria
ndogo kabla
ya tarehe ya
kuchapishwa.

38. Sheria ndogo yeyote inaweza kuundwa na kufanya kazi kuanzia tarehe ya nyuma, ambayo siyo tarehe ya nyuma zaidi ya tarehe iliyoanza kutumika sheria yenyewe ambayo hiyo sheria ndogo imezaliwa nayo.

Kwa kuzingatia kwamba mtu yoyote hawezi, isipokuwa iwe imeelezwa wazi katika sheria hiyo, kufanywa au kuhesabika na makosa yoyote yale kuhusiana na kosa, tendo lolote lilifanywa au kuscha kufanywa kitu chochote kabla ya tarehe ambayo hiyo sheria ndogo imechapishwa Gagetini.

Ufafanuzi wa sheria ndogo.

39. Pale sheria inapotoa uwezo wa kutunga sheria ndogo yoyote, maelezo yaliyotumika katika sheria ndogo itakuwa, isipokuwa pale kinyume cha madhumuni hayo kionekane, na maana sawa kama ilivyo katika sheria iliyotos uwezo huo, na maelezo yoyote katika sheria hiyo ndogo kuhusiana na "sheria" itakuwa na maana ya ile sheria inayotoa uwezo wa kuunda sheria ndogo ya aina hiyo.

Vitendo vilivyofanywa chini ya sheria ndogo vitahesabika kuwa ni vya sheria iliyounda sheria ndogo.

40. Tendo au kitu kilichofanywa chini ya au kufuatana na, au kwa sababu ya, sheria ndogo yoyote yatahesabika kuwa yemtendeka chini au kufuatana na au kwa sababu ya sheria ambayo imetoa uwezo wa kuunda sheria ndogo hiyo.

Jina la sheria ndogo.

41. Sheria ndogo inaweza kuitwa kwa kutumia jina dogo, kama lipo, au kwa kumbukumbu ya namba ambayo lilichukua katika tangazo la Gazeti.

Vifungu kuhusiana na uwezo wa kuunda sheria ndogo.

42. Pale sheria yoyote inapotoa uwezo kwa chombo chochote kuunda sheria ndogo, vifungu vifuatavyo ili iwapo maelezo yahitaji vyenginevyo vitakuwa na nguvu kutokana na kufanya sheria hiyo ndogo:-

- (a) pale sheria ndogo yoyote itakapopewa imeundiwa kufuatana na uwezo fulani itahesabika pia kuwa imeundwa au kutolewa kuhusiana na uwezo wote ambao umewekwa na unao nguvu;
- (b) kifungu chochote cha sheria ndogo ambacho kinapingana na kifungu chochote cha sheria ambayo ndiyo iliyounda hiyo sheria ndogo kitakuwa hakina maana (hakifai) kwa sababu kinapingana;

- (c) sheria ndogo inaweza wakati wowote kurekebishwa, kupingwa au kuondeshwa na chombo kile na katika msingi ule ule ambao imetungwa.

Isipokuwa kwamba iwapo uongozi wa namna hiyo umebadilishwa wote au nusu na uongozi mwingine, uwezo ulioainishwa hapa unaotokana na uongozi wa awali unaweza kuchukuliwa na uongozi mpya katika mambo yote au vitu vyote vilivyo katika uwezo wake kama kwamba ni ule uongozi wa awali;

- (d) pale sheria yoyote inapotosa uwezo kwa chombo chochote kuunda sheria ndogo kwa matumizi yoyote ya kijumla, na pia kwa matumizi yoyote maalum ambayo kwa bahati yashusika nayo, basi maelezo ya madhumuni hayo hayatochukuliwa kukiuka uwezo wa chombo hicho chenye uwezo huo;

- (e) kutakuwa na dhabu kwa kosa lolote la kukiuka sheria ndogo, na adhabu hiyo haitosidi faini ya shilingi elfu saba au kifungu kisichoziidi miaka miwili au vyote faini kama hiyo na kifungo kama hicho. Kufuatana na vile itavyoonekana sawa na kila chombo kilichotunga sheria ndogo hiyo.

Iwapo kwamba hakuna adhabu nyengine iliotolewa chini ya sheria mama.

Ada.

43. (1) Pale sheria yoyote inapotoa uwezo kwa mtu yoyote kuunda sheria ndogo na kuunda vifungu ndani yake vinavyohusiana na ada au malipo mengine, sheria ndogo ya namba hiyo insweza kueleza mambo yote au machache kati ya haya yafuatayo:-

- (a) ada au malipo maalum;
- (b) ada au malipo ya juu kabisa au ya chini kabisa;
- (c) ulipeji wa ada au malipo iwapo ya kijumla ama chini ya shuruti maalum au katika mazingira maalum; na
- (d) upunguzaji, ukiukaji au malipo ya marejesho ya kijumla au sehemu ya ada au malipo yoyote, ama kwa kuzuka kwa tokeo fulani au kusababishwa na mtu fulani.

(2) Pale upungufu wowote, ukiukaji au marejesho kwa jumla au ya sehemu, wa ada au wa malipo yoyote imeainishwa, upungufu wa namba hiyo ukiukaji au marejesho unaweza kuelezwa kwamba utatumiwa au utatumika ama kuwa kijumla au kwa shughuli maalum:-

- (a) kuhusiana na mambo fulani au mikataba au vikundi vya mambo fulani au vikundi vya mikataba fulani;
- (b) kuhusiana na nyaraka fulani au vikundi fulani vya nyaraka;
- (c) wakati tukio lolote linapotokea au kusita kutokea;
- (d) kuhusiana na watu fulani au makundi fulani ya watu; au

- (e) kuhusiana na mchanganyiko wowote wa mambo, mikataba, nyaraka, matukio au watu; na unaweza kuelezwa kwamba unatumika au utatumika kutokana na shuruti za namba hiyo kama zitakavyodhihirishwa katika sheria ndogo au katika maoni ya mtu yoyote aliyeainishwa ndani yake.

SEHEMU YA VII

KUHESABU WAKATI

Wakati.

44. (1) Nyakati sahihi za Zanzibar zitakuwa ni saa tatu zaidi ya wakati wa Uingereza (GMT).

(2) Pale maelezo yoyote kuhusu wakati katika sheria, waranti au kitu chochote, wakati utakaotumiwa isipokuwa iwe imeelezwa vyengine, utakuwa ni wakati sahihi wa Zanzibar.

Hesabu ya wakati.

45. Katika kuchunguza wakati kuhusiana na sheria yoyote, isipokuwa ikiwa itaelezwa vyenginevyo:-

- (a) kipindi cha siku baada ya tukio fulani au baada ya kutendwa tendo lolote au kitu chochote kitahesabika kutoijumlisha ile siku ambayo tukio limetokea au tendo au kitu kimetendeka;
- (b) ikiwa siku ya mwisho ya kipindi ni Jumapili au ni sikukuu (siku ambazo katika kifungu hiki zinaitwa ni siku zisizohesabika) kipindi hicho kitajumuisha siku inayofuata ambayo itahesabiwa;

(c) pale tendo lolote au shtaka ikiwa limekusudiwa au kuruhusiwa kufanywa au kuchukuliwa katika siku fulani, hapo ikiwa siku hiyo imetokea kuwa ni siku isiyohesabika, kosa hilo au shtaka litahesabiwa kutekelezwa kwa wakati upasao ikiwa litatekelezwa katika siku inayofuata ambayo siyo siku isiyohesabika;

(d) pale tendo au shtaka limekusudiwa au kuruhusiwa kufanywa au kuchukuliwa katika kipindi chochote kisichozidi siku sita, siku zisizohesabika hazitohesabiwa katika kuhesabu siku.

Ikiwa wakati haukutaajwa.

46. Pale iwapo hakuna wakati uliowekwa au kuruhusiwa kitu chochote kufanywa, kitu hicho kitekelezwe bila ya kuchelewa, na mara kwa mara kama itavyochitajika.

SEHEMU VIII

VIFUNGU VYA JUMLA KUHUSIANA NA MASHTAKA NA ADHABU

Ushahidi wa sahihi ya Rais, Waziri au Mwanasheria Mkuu kutoa idhini.

47. Pale inapokuwa idhini ya Rais, Waziri au Mwanasheria Mkuu ni muhimu kabla ya kufungua mashtaka au kuanza kitendo chochote, waraka wowote utakeokuwa na idhini ya Rais, Waziri au Mwanasheria Mkuu utepokewa kama ni ushahidi wa moja kwa moja katika mashtaka yoyote bila ya ushahidi kutolewa kwamba sahihi iliyomo katika idhini hiyo ni ya Rais, Waziri au Mwanasheria Mkuu.

Mashtaka ya kiofisa hayafutiki baada ya kifo n.k.

48. Mashtaka yoyote ya hukukia au ya jinai yalichukuliwa kwa au dhidi ya mtu yeyote kuhusiana na ofisi yake hayatafutwa au kusitizwa kutokana na kifo chake, kujiuzulu au kutokuwepo au kuondoshwa kutoka kwenye ofisi, lakini yanaweza kuendelezwa kwa au dhidi ya, kwa vyovyote iwavyo, ya yule mtu ambaye atashika ofisi hiyo kwa wakati huo.

Adhabu
haizuii
mashtaka
ya hukukiya.

49. Kutolewa adhabu au faini kwa au chini ya sheria yoyote hakutofanya, ila iwapo maelezo yanahitaji vyenginevyo mtu yoyote asishtakiwe kujibu mashtaka kuhusiana na hasara aliyosababisha kwa mtu yeyote aliyeumizwa au kuathiriwa.

Vifungu vya
makosa chini
ya sheria
mbili au
zaidi.

50. Pale iwapo tendo lolote au kuacha kutenda chochote kunakuwa ni kosa basi ila maelezo yahitajia vyenginevyo katika sheria mbili au zaidi, mkosaji, itabidi ashtakiwe na kutiwa adabu chini ya sheria yeyote kati ya hizi, lakini hatoshtakiwa na kutiwa adabu mara mbili kwa kosa moja.

Kurekebishwa
kwa adhabu.

51. Pale ambapo kutenda au kuacha kutenda kunahesabika kuwa ni kosa na adhabu ya kosa hilo limerekebishwa baina ya lilipotendeka kosa hilo na pale mtendaji alipoonekana kuwa na hatia, mkosaji, stapewa adhabu ile iliyokuwepo wakati alipotenda kosa hilo ila iwe sheria imeelezea vyenginevyo.

Adhabu
zilizowekwa
zinaweza
kupunguzwa.

52. (1) Ikiwa katika sheria yoyote adhabu imewekwa kwa ajili ya kosa fulani katika sheria hiyo kifungu hicho kitakuwa, isipokuwa kinyume chake kionekane, na maana kwamba kosa hilo litapewa adhabu isyozidi ile iliyowekwa.

(2) Pale ikiwa katika sheria yoyote adhabu zaidi ya moja imewekwa kwa kosa hilo, matumizi ya neno "na" isipokuwa kinyume chake kionekane, yatakuwa na maana kwamba adhabu hizo zinaweza kutolewa moja baada ya moja au zote kwa pamoja.

Kuondosha
kilichota-
ifishwa.

53. (1) Iwapo mnyama yoyote au kitu kimetangazwa na sheria yoyote, au ikiwa yupo au kipo chini ya sheria yoyote ambalo mahakama au chombo chengine kimeamua kitaifishwa, kama hakuna kifungu chengine kinachoeleza vyenginevyo kitachukuliwa na Serikali, na fedha itakayopatikana, ikiwa imeamriwa kiuzwe na chombo chenye uwezo huo, fedha hiyo italipwa kwenye Mfuko Mkuu wa Hazina ila iwe kuna sheria nyengine inayoелеzea namna ya kufanywa.

(2) Hakuna chochote katika kifungu hiki kitakachoathiri kifungu chochote katika sheria yoyote ambapo sehemu yoyote ya faini au kilichotaifishwa kitalipwa kwa mtu yeyote anaehusika.

Utoaji wa
faini na
adhabu.

54. Faini yoyote au adhabu iliyowekwa na au chini ya sheria yoyote, italipwa katika Mfuko Mkuu wa Hazina ila pale itapoelezewa vyenginevyo.

Sheria
kuhusu
jaribio.

55. Katika sheria yoyote kifungu kinachohusiana na jaribio kitachukuliwa kama ni jaribio la kufanya kosa chini ya kifungu hicho, na adabu itatolewa kama kwamba kosa halisi limetendeka.

Pale kosa
linapofanywa
na Shirika.

56. Pale kosa chini ya sheria yoyote ikiwa limetendwa na Shirika, mtu yeyote ambaye, wakati wa kutenda kosa hilo, alikuwa anahusika akiwa ni Mkurugenzi au Ofisa, anayeshughulika na utawala au uendesheji wa shughuli za Shirika hilo atakuwa na makosa na ataahtakiwa na kutiwa adhabu ipasavyo, isipokuwa ikiwa ataithibitishia mahakama kwamba hakuwa akielewa, na wala hawesi kuelewa, kwa kutumia uwezo alionao wa kutambuwa utendaji wa makosa hayo, isipokuwa tu pale maelezo yatavyoelezea vyenginevyo.

Kosa la
muajiri
au mkuu
wa sehemu.

57. Pale kosa lolote chini ya sheria yoyote linapotendwa na mtu ambaye ni mjumbe au mwajiriwa, isipokuwa ionekane vyengine, pamoja na mjumbe au mwajiriwa, huyo mwakilishwa au mwajiri pia atakuwa na makosa na stashtakiwa na kuhukumiwa ipasavyo isipokuwa kama itathibitishwa na kuiridhisha mahakama kwamba hakuwa akielewa, na wala hawezi kwa kutumia uwezo alionao wa fahamu, kutambua utendaji wa makosa hayo.

SEHEMU YA IX

KUFARIKI, KUCHAGULIWA, KUSTAAFU KWA RAIS
NA UWEZO WA MAOFISA

Kufariki
kwa Rais
n.k.

58. Pale kifo cha Rais kinapotokea au anapojiuzulu si lazima kwa sababu ya kutokea kifo hicho au kujiuzulu huko mtu yoyote anayeshikilia wadhifa wowote kuteuliwa tena au kwamba aspishwe tena ingawa kabla ya kifo hicho ameshakula kiapo cha utifu.

Uwezo wa
Rais wa
muda
kuschisha
au kuajiri.

59. Pale kinapotokea kifo cha Rais au anapojiuzulu na mtu mwengine anaposhika dhamana ya kuwa Rais wa muda:-

(a) Rais huyo wa muda hawezi kumuondosha au kumsimamisha kazi mtu yeyote aliyechaguliwa na Rais aliyefariki mpaka utakapofika wakati ambapo yeye, au mtu mwengine atakapochaguliwa kuwa Rais;

(b) Rais huyo wa muda anaweza kumteua mtu yeyote kushika dhamana ya ofisi ya aina yoyote kulingana na uwezo wa Rais aliyefariki au aliejiuzulu aliyopewa na Katiba au sheria yoyote nyengine na uteuzi huo utatambulika kama kwamba unefanywa na Rais na ataendelea kufanya kazi.

hata baada ya uchaguzi wa Rais
mwengine isipokuwa kama Rais
aliyechaguliwa atamwachisha
kazi au ataamriisha vyenginevyo
kwa mujibu wa aya (a) hapo juu.

Maofisa wa
Serikali
kushika
dhamana
kulingana
na
mapendekezo.

60. Ofisa yeyote wa Serikali aliyeteuliwa
chini ya kifungu cha sheria yoyote, au mtu
yeyote mwenye dhamana ya ofisi chini ya vifungu
vya Katiba atakuwa na dhamana ya ofisi hiyo
katika muda staopenda yule aliyemteua, isipokuwa
ikiwa itaelezwa vyenginevyo katika sheria au
katika Tume au uteuzi wake.

Malipo.

61. Pale mtu anapoteuliwa kushika dhamana
ya ofisi, kile chombo kilichomteuwa kinaweza
kuweka, kubadilisha au kuondosha malipo yake,
ila tu iwe malipo hayo yamewekwa kisheria na
hayabadiliki.

Tarehe ya
kuanza au
kusimamishwa
kazi.

62. Pale mtu anapopewa dhamana ya ofisi na
ikaelezwa kuwa dhamana hiyo itaanza kutumika katika
tarehe fulani maalum, au pale ambapo dhamana ya
mtu inaposimamishwa katika tarehe fulani maalum,
uteuzi au usimamishwaji huo vyovyote iwavyo,
utahesabika mara tu inapomalizika ile siku ya
nyuma yake.

Maneno
ysidhini-
shaji
kuteuliwa.

63. (1) Maneno yanayoidhinisha kuteuliwa
kwa mtumishi wa Serikali kushika dhamana katika
kipindi hicho inajumuisha uwezo wa:-

- (a) kumuachisha au kumwondosha au
kumsimamisha;
- (b) kuteuliwa au kumweka tena na;
- (c) kumteua mwengine badala yake au
kufanya kazi badala yake,

ni miongoni mwa uwezo ambao chombo ambacho kimepewa
uwezo wa kuteua upo.

(2) Maneno yanayomtaka au kumpa uwezo Waziri kufanya kitendo au kitu, au vyenginevyo yanayomhusu kwa mujibu wa wadhifa wake, ikiwa ni pamoja na Waziri (anayemwakilisha) anayefanya kazi chini yake, au ikiwa ofisi iwazi, Waziri aliyekusudiwa kuchukua dhamana ya su chini ya amri ya Rais, na pia pamoja na wataofuata lakini haijumuishi msaidizi wake.

(3) Maneno yanayomtaka au kumpa uwezo mtumishi yoyote wa Serikali kufanya kitendo au kitu chochote, au vyenginevyo yanamhusu kwa mujibu wa wadhifa wake, yanajumuisha watakaomfuata katika dhamana hiyo na msaidizi wake au wasaidizi wake.

(4) Pale uwezo unapotolewa au kazi inapotakiwa kufanywa na kiongozi wa ofisi, uwezo huo unaweza kutekelezwa na kazi hiyo itatendwa na mtu ambaye kwa wakati huo ni mdhamana wa kutekeleza uwezo na kazi hizo za ofisi.

Uwezo wa Rais kufuta amri.

64. Rais anaweza kufuta amri yoyote chini ya kifungu cha 63(1)(a) na akaamrisha mtu wa aina hiyo steuliwe au arudishwe tena mara moja.

Ila ifahamike tu kwamba katika uteuzi huo au kurejeshwa tena huko Rais anaweza:-

- (a) akaamuru kwamba mshahara wake katika kipindi alichochishwa au kuondoshwa au kusimamishwa vyevyote iwavyo, utafishwe; au
- (b) akaamuru kwamba zile siku ambazo alischishwa, aliondoshwa au alisimamishwa zihesabike kama ni likizo bila ya malipo; au
- (c) akatoa shuruti nyengine kama atavyoona inafaa katika amri yake hiyo.

SEHEMU YA X

MCHANGANYIKO

Usawazishaji
wa makosa.

65. Ikiwa kuna makosa yoyote ya usajili au uchapishaji wa Muswada au sheria yoyote katika Gazeti, Mwanasheria Mkuu au ofisa mwingine wa sheria, anaweza, kwa amri katika Gazeti, kutos maelekezo yatakayosawazisha kosa kama hilo na maelekezo yote yatasomeka pamoja na Muswada au Sheria inayohusikana nayo, na Muswada au Sheria ya namna hiyo, kuanzia tarehe ya mwanzo kuchapishwa, itsanza kufanya kazi kama vile ilivyosawazishwa.

Kubadilika
kwa hati.

66. Isipokuwa kama itaelezwa vyengine, wakati wowote ambapo hati yoyote imeelekezwa na sheria yoyote, chombo au waraka ambao unatakiwa uwe katika umbile fulani, waraka huo au hati haitakuwa batili kwa sababu ya mabadiliko madogo madogo ambayo hayatabadilisha maana hasa ya hati hiyo.

Uwingi.

67. Pale kitu kinapotakiwa au kuhitajika kufanywa na zaidi ya watu wawili, wingi wao wanaweza kukifanya.

Uwezo wa
Bodi
kuathirika
na nafasi
wazi.

68. Ikiwa kwa su chini ya sheria yoyote, Bodi, Kamisheni, Kamitii, au chombo kinachofanana na hivyo, uwezo wa Bodi kama hiyo, Kamisheni, Kamitii, au chombo kinachofanana na hivyo, hakitaathiriwa kwa:-

- (a) nafasi iliyowazi katika wanasachama wake;
- (b) kugunduliwa baadaye kwamba kulikuwa na hitilafu au makosa katika uteuzi au sifa za mtu ambaye alikuwa ni mwanasachama wake,

ila tu pale ambapo maelezo yatahitajia vyenginevyo.

Kuhifadhika
haki za
Serikali.

69. Hakuna sheria ambayo, katika njia yoyote ile, itakayoweza kuathiri haki za Serikali isipokuwa kama itaelezwa wazi ndani yake au isipokuwa ionekane, katika umuhimu wa matumizi, kwamba Serikali inalazimika kuifusta.

Sheria kuihusu
Serikali.


70. Sheria hii itaihusu Serikali.

Kufutwa
kwa Sheria
ya Tafsiri
ya 1953,
pamoja na
Nam. 1/1964.

71. (1) Sheria ya Tafsiri ya 1953, Sura ya I ya Sheria za Zanzibar pamoja na Sheria Nambari 1 ya 1964 zinafutwa.

(2) Sheria ndogo yoyote iliyoungwa chini ya sheria hizo zilizofutwa zitsendelea kutumika kama ni sheria ndogo iliyoungwa kwa mujibu wa vifungu vya sheria hii.

Inepitishwa katika Baraza la Wawakilishi tarehe 10 Oktoba, 1984.


IDI P. HASSAN
KATIBU
BARAZA LA WAWAKILISHI
ZANZIBAR.