

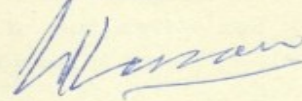
THE SPINSTERS, WIDOWS AND FEMALE DIVORCEE
PROTECTION ACT

ARRANGEMENT OF SECTION

Section.

1. Short title and commencement date.
2. Definitions.
3. Spinster found pregnant or with children and male person responsible to be guilty and penalty.
4. Students who are pregnant or who are responsible for pregnancy.
5. Spinster above prescribed age, widows or divorcee to institute a suit for maintenance.
6. Maintenance to the child of spinster.
7. Duty of a spinster to disclose the name of the alleged father.
8. Duty to maintain a child.
9. Power of court to order maintenance.
10. Powers of court to order security for maintenance.
11. Compounding of maintenance.
12. Duration of orders of maintenance.
13. Maintenance to cease on marriage.
14. Power of court to vary orders for maintenance.
15. Power to make regulations.
16. Repeal of Decree 5/70 saving and transitional.

I ASSENT



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

15.2.1985

AN ACT TO REPEAL AND REPALACE THE PROTECTION
FOR SPINSTERS DECREE AND TO PROVIDE FOR
PROTECTION OF WIDOWS AND FEMALE DIVORCEES AND
TO PROVIDE FOR OTHER MATTERS CONNECTED THERE-
WITH AND INCIDENTAL THERETO.

ENACTED BY THE HOUSE OF REPRESENTATIVES OF
ZANZIBAR.

Short title
and commenc-
ement date.

1. (1) This Act may be cited as the Spinsters,
Widows and Female Divorcee Protection Act; 1984.

(2) The Act shall come into operation on such a
date as the Minister may, by notice in the Gazette appoint.

Definitions.

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

"alleged father" means a person who is alleged
to be responsible for the pregnancy in
question;

"Minister" means the Minister for the time being
responsible for Education;

"spinster" means an unmarried female person who
is below the age of 25;

"student" means any person whether male or female
of what ever age who is till in school.

Spinster

3. (1) A Spinster who is found to be pregnant at

found pregnant or with children and male person responsible to be guilty and penalty.

her own will shall be guilty of an offence.

(2) Any person who is found to be responsible for the pregnancy shall be guilty of an offence.

(3) Where any person is found to be guilty of an offence under section 3(1) shall be liable on conviction to be sent to an Educational Centre for a period of two years.

(4) Where any person is found to be guilty of an offence under section 3(2) shall be liable on conviction to be sent to an Educational Centre for a period of five years.

Students who are pregnant or who are responsible for pregnancy.

4. Where a spinster a female divorcee or a widow is found to be pregnant while still at school or where a male student is found to be responsible for pregnancy of any spinster, a female divorcee, a widow or a male student shall be expelled from school in accordance with the procedure laid down under the Education Act, No. 6 of 1982.

Spinster above prescribed age, widows or divorcee to institute a suit for maintenance.

5. Where :-

(a) a single woman who is above the age of 25 years; or

(b) a widow; or

(c) a female divorcee is found to be pregnant;

such woman or a widow or a female divorcee may, if she so wishes institute a suit for maintenance of a child before a district court.

Maintenance to the child of spinster.

6. After serving the term of imprisonment the alleged father of the child of a spinster shall be compelled to maintain the child until at the age of 18 years or when he begins to maintain himself which ever is the earlier;

provided that in the case of a female child maintenance shall cease on being married.

Duty of a spinster to disclose the name of the alleged father.

7. (1) It shall be the duty of every spinster found with child to disclose the name of a man who is alleged to be the father of the child and if such spinster refuses to disclose the name of the man alleged to be the father of the child, shall be guilty of an offence and shall on

conviction be liable to be sent to an Educational Centre for a period of two years.

(2) Where a spinster a female divorcee or a widow purposely discloses a different man from the one who is alleged to be the father of the child and if it is proved to the satisfaction of the court that she did it purposely and knowingly to be a different man, she shall be guilty of an offence and shall be liable on conviction to be sent to an Educational Centre for a period of two years.

Duty to maintain a child.

8. It shall be the duty of every alleged father to maintain his child and to provide him with basic necessities including food and clothing as may be reasonable having regard to his means and station of life.

Power of court to order maintenance.

9. The Court may order an alleged father to pay maintenance to his child:-

- (a) if he has refused or neglected to provide for him as required under section 8;
- (b) where the parties were married the period after the date on which divorce takes or is deemed to have taken effect provided that the child after that date has not completed his 18th birthday or has not been able to maintain himself as required under section 6 of this Act.

Powers of court to order security for maintenance.

10. The Court may in its discretion when awarding maintenance order to the person liable to pay such maintenance to secure the whole or any part of it by vesting any property in trustees upon trust to pay such maintenance or part thereof out of the income from such property and subject thereto, in trust for the settlor.

Compounding of maintenance.

11. An agreement for the payment, in money or other property, of a capital sum in settlement of all future claims to maintenance shall not be effective until it has been approved or approved subject to conditions, by the court, but when so approved shall be a good defence to any claim of maintenance.

Duration of orders of maintenance.

12. Every order for maintenance shall expire :-

- (a) on the death of the alleged father; or
- (b) on the death of the child in whose favour it was made; or
- (c) on the attainment of the child of 18 years of age; or
- (d) upon the child becoming self reliant before the attainment of 18 years of age; or
- (e) in case of a female child, when she gets married.

Maintenance to cease on marriage.

13. The right of any child to receive maintenance under an order of the court shall cease when his mother is married by the alleged father;

provided that such right shall revive again when the couple divorce each other and when the child has not yet attained the age of 18 or has not started maintaining himself if it is below the age of 18 or in the case of a female child, if she is not yet married.

Power of court to vary orders for maintenance.

14. The court may at any time; and from time to time, rescind any subsisting order for maintenance, whether secured or unsecured, on the application of a person in whose favour or of the person against whom the order was made, or in respect of secured maintenance, of the legal personel representatives of the father, whether it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances.

Power to make regulations.

15. The Minister may make regulations for the better carrying out of the purposes of this Act.

Repeal of Decree 5/70 saving and transitional.

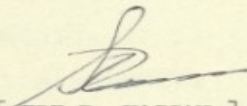
16. (1) The spinsters (Protection) Decree, number 5 of 1970 is hereby repealed.

(5)

(2) Any thing done under the provisions of the repealed Decree shall be deemed to have been done legally and shall not be subject to any further proceedings.

(3) Any case pending before the commencement of this Act shall be adjudicated as if this Act has not been passed.

Passed in the House of Representatives on the 25rd day of January, 1985.


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

AKHB/f.

SHERIA YA KUWAHIFADHI WANAWARI NA KUWALINDA
VIZUKA NA WANAWAKE WAJANE YA 1985.

Sehemu:

1. Jina fupi na tarehe ya kutumika.
2. Tafsiri
3. Mwanamwari anaepatikana na mimba au mtoto na mtu anaesababisha kuwa wakosa.
4. Wanafunzi wenye mimba au wanaohusika na utiaji wa mimba.
5. Mwanamwari aliepitilia umri, mjane na vizuka kuanzisha kesi za matunzo.
6. Matunzo kwa mtoto
7. Wajibu wa mwari kutaja jina la muhusika.
8. Wajibu wa kuntunza mtoto.
9. Uwezo wa Mahkama kutoa matunzo.
10. Uwezo wa mahkama kutoa amri ya kuhifadhiwa mali ya matunzo
11. Uidhinishwaji na matunzo wa mahkama.
12. Wakati wa kumalizika kwa amri.
13. Matunzo kusita wakati wa kuwana.
14. Uwezo wa mahkama kubadilisha amri.
15. Uwezo wa kufanya Kanuni.
16. Kufutwa kwa Sheria No. 5/70.

SERIKALI YA MAPINDUZI YA ZANZIBAR

NAM. 4 YA 1985

NAKUPALI



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

15.2.1985.

SHERIA YA KUFUTA NA KUWEKA UPYA SHERIA YA
KUWAHIFADHI WANAWARI NA KUWALINDA VIZUKA
NA WANAWAKE WAJANE NA KUSHUGHULIKIA MAMBO
MENGINE YANAYOHUSIANA NA SUALA HILI.

IMETUNGWA NA BARAZA LA WAWAKILISHI.

Jina fupi
na tarehe
ya kutumika.

1.(1) Sheria hii itajulikana kama Sheria ya
kuwalinda Wanawari, vizuka na wajane ya 1984.

(2) Sheria itanza kutumika pale Waziri
atapoitangaza katika gazeti rasmi la Serikali.

Tafsiri.

2. Katika Sheria hii, isipokua itapoelezwa
vyenginevyo.

"Waziri" maana yake ni Waziri ambae kwa wakati
huu ni dhamana wa shughuli za Elimu.

"Mwanamwari" maana yake ni mwanamke asiyepata
kuolewa aliye chini ya umri wa miaka 25
lakini hajumuishi kizuka au mjane.

"Mwanafunzi" maana yake ni mtu ye yote ama
mwanamme au mwanamke mwenye umri wo wote
ambae bado anasoma skuli.

"Muhusika" maana yake ni mtu anaedaiwa kuwa ndie
aliesababisha mimba hiyo inayobishaniwa.

Mwanamwari
anaepatikana
na mimba au
mtoto na mtu
anaesababisha
kuwa wakosa.

3.(1) Mwanamwari anaepatikana na mimba
kwa hiari yake atakua mkosa.

(2) Mtu ye yote ataebainika kuhusika na
utiaji wa mimba kwa mwanamwari huyo atakuwa ni mkosa.

(3) Endapo mtu ye yote ataonekana ni mkosa
chini ya kifungu kidogo cha (1) cha kifungu hiki na
akipatikana na hatia atapelekwa Chuo cha Mafunzo kwa
muda wa miaka miwili.

(4) Endapo mtu ye yote ataonekana kua ni mkosa
chini ya kifungu kidogo cha (2) cha kifungu hiki
apatikanapo na hatia atapelekwa Chuo cha Mafunzo
kwa muda wa miaka mitano.

Wanafunzi
wenye mimba
au wanaohusika
na utiaji wa
mimba.

4. Endapo mwanamwari, mwanamke mjane au kizuka
anapatikana na mimba wakati bado anasoma skuli au
endapo mwanafunzi mwanamme anaonekana anahusika na
utiaji wa mimba hiyo au utiaji wa mimba kwa mwanamwari
ye yote ambae si mwanafunzi, mwanamwari huyo, mwanamke
mjane, au aliyefiwa na mume au mwanafunzi mwanamme
atafukuzwa skuli kwa mujibu wa utaratibu uliyowekwa
chini ya Sheria ya Elimu nambari 6 ya mwaka 1982.

Mwanamwari
aliepitilia
umri, mjane
na vizuka
kuanzisha
kesi za
matunzo.

5. Endapo:-

- (a) mwanamke asiye na mume mwenye umri zaidi
ya miaka 25 au
- (b) Mwanamke aliyefiwa na mume au
- (c) mwanamke mjane anaepatikana na mimba
mwanamke huyo au mwanamke aliyefiwa na mume
au mwanamke aliyeachwa anaweza, akipenda
akaanzisha mashitaka ya madai ya matunzo
ya mtoto katika Mahakama ya Wilaya.

Matunzo
kwa mtoto.

6. Baada ya kutumikia muda wa kifungo kama ilivyotakiwa chini ya kifungu cha 3(4) muhusika atalazimishwa kumtunza mtoto mpaka afikie umri wa miaka 18 au hadi hapo mtoto huyo atapoanza kujitegemea mwenyewe, kadiri ya moja wapo ya haya mawili litalo- tangulia mwanzo.

ila iwapo mtoto huyo ni mwanamke basi pia matunzo yatasita pale atapoolewa.

Wajibu wa
mwari kutaja
jina la
muhusika.

7.(1) Itakuwa ni wajibu wa kila mwanamwari ataepatikana amezaa mtoto kutaja jina la mtu anaedaiwa kuwa ndie muhusika na ikiwa mwanamwari huyo atakataa kutaja jina la mtu anaedaiwa kua ni muhusika atakua mkosa wa kosa hili, na endapo ataonekana na hatia atapelekwa Chuo cha Mafunzo kwa muda wa miaka miwili.

(2) Endapo kwa makusudi kabisa mwanamwari, mjane au kizuka atalitaja jina la mtu tafauti na yule anaedaiwa kua ni muhusika, na kama itathibitishwa na mahakama ya kua mwanamke huyo ameyafanya hayo kwa makusudi na huku anajua kua huyo ni mwanamme tafauti, atakua mkosa wa kosa hili na endapo ataonekana na hatia atatiwa adabu ya kupelekwa Chuo cha Mafunzo kwa muda wa miaka miwili.

Wajibu wa
kumtunza
mtoto.

8. Itakuwa ni wajibu wa kila muhusika anaedaiwa na utiaji wa mimba kumuangalia mtoto wake na kumpatia mahitaji ya lazima yakiwemo chakula na nguo kwa kiasi, kufuatana na uwezo wake kimaisha.

Uwezo wa
mahkama
kutoa matunzo.

9. Mahakama inaweza kumuamuru baba anaedaiwa kulipa matunzo kwa mtoto wake:-

- (a) ikiwa amekataa au amepuuza kuangalia kama inavyotakiwa chini ya kifungu cha 8.
- (b) iwapo wahuusika wameowana, muda baada ya tarehe ya kuachana unapojiri au unapodhaniwa kujiri pale iwapo mtoto huyo baada ya tarehe hiyo hajafikia umri wa miaka 18 au hajaweza kujihudumia nafsi yake kama inavyotaka chini ya kifungu cha 6 cha sheria hii.

Uwezo wa
Mahkama
kutoa amri
ya kuhifadhiwa
mali ya matunzo.

10. Mahakama inaweza chini ya maelekezo yake, inapotoa amri ya matunzo kwa mtu anayewajibika kulipia matunzo hayo kuweka yote au sehemu yake kwa kukabidhi mali hiyo kwa mtunza amana chini ya maagizo ya kulipa matunzo hayo au sehemu yake kutokana na mapato yatokanayo na mali hiyo iliyowekwa kwa mdhamini.

Uidhinishwaji
na matunzo
wa mahkama.

11. Makubaliano kuhusu malipo, ikiwa kwa pesa au kwa mali nyingine ya jumla ya fedha kwa ajili ya malipo ya madai yote ya baadae kwa ajili ya matunzo hayatakua na nguvu mpaka yameidhinishwa chini ya masharti na mahakama, lakini yanapoidhinishwa itakua ni kinga nzuri ya madai yote ya matunzo hapo baadae.

Wakati wa
kumalizika
kwa amri.

12. Kila amri ya matunzo itakwisha muda wake:-
- (a) wakati wa kifo cha muhusika; au
 - (b) wakati wa kifo cha mtoto ambae matunzo hayo yalitayarishwa kwa ajili yake au
 - (c) wakati mtoto anatimiza umri wa miaka 18; au
 - (d) iwapo mtoto atakua na uwezo wa kujihudumia kabla ya kufikia umri wa miaka 18; au
 - (e) kwa mtoto wa kike pale anapolewa.

Matunzo kusita
wakati wa
kuowana.

13. Haki ya mtoto ye yote kupokea matunzo chini ya amri ya mahakama itasita endapo mama yake ataolewa na muhusika.

Haki hii itajiri tena wakati watu hawa, mke na mume watapochana huku mtoto hajafikia umri wa miaka 18 au hajaanza kujihudumia nafsi yake au kwa mtoto wa kike ikiwa bado hajaolewa.

Uwezo wa
Mahkama
kubadilisha
amri.

14. Mahakama inaweza wakati wo wote; na wakati baada ya wakati kusimamisha amri yo yote ya malipo kwa ajili ya matunzo ikiwa yamedhaminiwa au hayakudhaminiwa kutokana na maombi ya mtu ambae anapokea matunzo hayo au mtu ambae amri ilitolewa dhidi yake, au kuhusu matunzo yaliyopatikana kwa muwakilishi wa kisheria wa baba, iwapo itaridhisha kwamba amri ilitokana na taarifa yo yote ya uongo au kukosea uhakika au yametokea mabadilik ya kimsingi katika hali yenyewe.

Uwezo wa
kufanya
kanuni.

15. Waziri anaweza kufanya Kanuni kwa ajili ya utekelezaji mzuri wa sheria hii


Kufutwa
kwa Sheria
No. 5/70.

16. (1) Sheria nambari 5 ya Wanawari ya mwaka 1970, inafutwa.

(2) Kitu cho chote kilichofanywa kwa mujibu wa Sheria hio iliofutwa itakuwa kimefanywa kihalali na haitowezekana tena kuanza kesi upya.

(3) Kesi ye yote iliyopo ambayo imeanza kabla ya kutumika kwa sheria hii mpya itaendelea kama kwamba sheria hii mpya haikupitishwa.

Imepitishwa katika Baraza la Wawakilishi tarehe 23 Januari, 1985.


(Idi Pando Hassan)
KATIBU,
BARAZA LA WAWAKILISHI,
ZANZIBAR.