

THE SPECIFIED STATE LEADERS RETIREMENT
BENEFITS ACT, 1988.

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ACT NO.4 OF 1988

I ASSENT

Idris Abdul Wakil

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

30th October,..... 1988.

AN ACT TO PROVIDE FOR THE GRANTING OF
RETIREMENT BENEFITS AND SERVICES TO
SPECIFIED STATE LEADERS UPON RETIREMENT
FROM SPECIFIED STATE OFFICE AND OTHER
MATTERS CONNECTED THEREWITH.

ENACTED BY THE HOUSE OF REPRESENTATIVES OF
ZANZIBAR.

PART I

PRELIMINARY PROVISIONS

Short title
and
Construction.

1. This Act may be cited as the Specified
State Leaders Retirement Benefits Act, 1988
and shall be read as one with the Constitution.

Commencement.

2. This Act shall be deemed to have come
into operation on the twelveth day of January,
1985.

Interpretation.

3. In this Act, unless the context
requires otherwise -

"appropriate authority" in relation to any
provisions of this Act means the person
declared by section 4 to be the
appropriate authority;

"the Constitution" means the Constitution of
Zanzibar 1984;

"dependant" in relation to the deceased state leader means -

- (a) where the deceased specified state leader was a male, his widower or where immediately preceding his death he was married to two or more wives, all his widows;
- (b) where the deceased specified state leader was a female, the husband of the deceased specified leader;
- (c) every legitimate child of the deceased state leader born during the period of holding specified state office under the apparent age of twenty years, but does not include any married daughter of the deceased specified state leader;
- (d) father and mother of the deceased specified state leader;

"former Chief Minister" means a person who has held, but ceased holding the Office of the Chief Minister of Zanzibar;

"former President" means a person who has held, but ceased holding the office of the President of Zanzibar;

"Minister" includes Minister without portfolio and Deputy Minister;

"political leader" means a person who holds or has held political office;

"political office" means any office which is a political office in terms of provisions of the Pensions (Members of Revolutionary Council) Decree No.6 of 1980;

"qualifying service" means five years of service or over;

"salary" means the basic salary of a specified state leader excluding bonus, commission, cost of living allowance, incentive allowance or any other additional emolument of any kind;

"specified political office" has the meaning ascribed to it by section 9(4) of this Act;

"specified state leader" means the President of Zanzibar and Chief Minister of Zanzibar;

"specified state office" means the office of President or Chief Minister;

"travelling expenses" means the cost of air ticket.

Appropriate authority.

4. The appropriate authority:

- (a) for the purpose of sections 12, 15(2), (3), 16 and 18 means the Principal Secretary to the Ministry of Finance and Planning;
- (b) for the purpose of section 17 means the Principal Secretary to the President's Office; and
- (c) where it is not specifically mentioned here or in this Act; the Principal Secretary to the Ministry responsible for offering the service required to be given to a former specified leader under this Act.

Declaration of specified state offices.

5. The offices of the President of Zanzibar and the Chief Minister of Zanzibar are hereby declared to be specified state offices the holders of which shall each be known as specified state leader for the purposes of this Act.

Benefits to be granted in accordance with this Act.

6.(1) Pensions, gratuities and any other allowance may be granted to a specified state leader or his dependants as the case may be, by the appropriate authority, in accordance with the provisions of this Act.

(2) Any pension or gratuity granted under this Act shall be computed in accordance with the provisions in force at the specified state leader.

Benefits to be charged out of consolidated Fund.

7. There shall be charged on and paid out of the consolidated fund all such sums of moneys as may from time to time be granted by way of pension, gratuity or other allowances in pursuance of this Act.

PART II

GRANTING OF TERMINAL BENEFITS TO
SPECIFIED STATE LEADERS

Granting of terminal benefits to specified state leaders.

8.(1) Every person who holds a specified state office shall, upon ceasing to hold that specified state office, subject to the provision of this Act, be granted terminal benefits in accordance with this Act.

(2) The terminal benefits to which this Act applies shall consist of:

- (a) a winding up allowance in relation to the specified state office for which it is provided, of such an amount as is prescribed by or under this Act;
- (b) such leadership gratuity as prescribed by or under this Act;
- (c) an annual pension payable monthly for the remainder of a specified state office, of such an amount as is prescribed by or under this Act;
- (d) such domestic, executive, protection and social services as are prescribed in respect of a holder of a specified state office by or under this Act.

Suspension of certain benefits.

9.(1) Notwithstanding the preceding provisions of this section a specified state leader shall not be granted the terminal benefits specified in section 8(2)(a) and (c) if he relinquishes one office and enters upon another office if that office is declared by subsection (4) of this section to be a specified political office in relation to specified state office he relinquishes.

(2) Notwithstanding the preceding provisions of this section, no terminal benefit, shall be granted to any person who enters upon another specified state office after relinquishing one specified state office until such time as he retires from that other specified state office.

(3) Where a person relinquishes one specified state office and enters upon another office of comparable rank under the Union Constitution of 1977 or relinquishes such latter office and enters upon a specified state office he shall upon retiring from the office he last holds be granted retirement benefits either under this Act or under the relevant law enacted by the Union Parliament whichever is the more favourable, but not under both laws.

(4) For the purpose of this section, the expression "specified political office" means -

- (a) in relation to the office of President of Zanzibar the office of President of the United Republic;
- (b) in relation to the office of Chief Minister, office of the President of Zanzibar, President of the United Republic, Speaker, Minister or Member of the House of Representatives of Zanzibar or member of Union Parliament.

When
benefits
to be
granted.

10.(1) Subject to the provisions of this Act terminal benefits shall be granted to a specified state leader when he ceases to hold a specified state office in any of the following ways, namely -

- (a) He retires from service in a specified state office without entering upon specified political office;
- (b) he is not, immediately after ceasing to hold a specified state office, reappointed, re-elected or does not revert to a specified state office;
- (c) on medical evidence to the satisfaction of the National Executive Committee in the case of President, and the President in the case of other specified state leaders, that he is incapable by reason of any infirmity of mind or body of discharging the duties of the specified state office he holds;

- (d) he ceases to be qualified to hold the specified state office in question;
- (e) he resigns from the specified state office in accordance with the provisions of the Constitution.

(2) Where, immediately before he was appointed or elected, as the case may be, to a specified state office a person was employed on pensionable terms or his employment was governed by an employers' terminal benefit scheme under which the terminal benefit on retirement from service or from the scheme took the form of payment of a pension, the right of that person to receive terminal benefits under that scheme shall cease, and he shall be entitled only to terminal benefits under this Act.

(3) For the avoidance of doubt a public officer or a political leader who is appointed or elected, as the case may be, to a specified state office shall cease to be entitled to any pension or gratuity otherwise payable to him by virtue of his having held office as a public officer or a political leader, notwithstanding that he subsequently holds a political office.

Terminal benefits payable as of right.

11.(1) Subject to subsections (2) and (3) of this section, the terminal benefits to be granted under this Act in respect of a holder of a specified state office is a right conferred upon him in pursuance of the provisions of the Constitution and no person or authority may reduce, withhold or freeze the terminal benefits, save with the prior authorization of the House of Representatives signified by an Act enacted in that behalf with the approval of two thirds of all the members of the House of Representatives.

(2) A specified state leader shall not be entitled to terminal benefits under this Act if he ceases to hold a specified state office in circumstances proved beyond doubt, under the Constitution as disgraceful to and dishonourable of a leader in Tanzania.

(3) The President of Zanzibar shall appoint a chairman and two other members who are Judges or qualify to be Judges of the High Court of Zanzibar to inquire into the allegations under subsection (2) which justify the denial of the terminal benefits to be granted to specified state leader.

PART III

GRANT OF TERMINAL BENEFITS

(i) Terminal benefits to Former President.

Terminal benefit to be granted to former President.

12.(1) Subject to the provision of this Act, each President of Zanzibar shall upon ceasing to hold that office be granted :-

- (a) a sum of two million shillings as leadership gratuity; and
- (b) an annual pension of a sum of three hundred sixty thousand shillings, payable in twelve equal monthly instalments.

(2) The leadership gratuity and the pension payable to a former President are hereby exempted from income tax deductions.

Provision of domestic staff to former President.

13.(1) The appropriate authority shall provide for each former President such number of domestic staff as may be selected by that former President as specified in the First Schedule to this Act.

(2) All persons employed in the public service who are selected, transferred and posted to or employed as domestic or office staff of a former President shall continue to be employees in the public service and may, after consultation with the former President, be transferred elsewhere and replaced, save that in the performance of their duties as such staff they shall be responsible only to the former President.

(3) The appropriate authority shall provide and maintain such number and type of motor vehicles for the conveyance of the former President and his immediate family as is provided in the First Schedule to this Act.

Executive social and other services to former President.

14.(1) The appropriate authority shall arrange for and secure the provision for the former President and his immediate family such suitable security and other protection services as it shall deem appropriate.

(2) The appropriate authority may meet the travelling expenses of a former President and his immediate family for journeys not exceeding four in one year within the United Republic, and one in a year outside the United Republic.

(3) Each appropriate authority shall arrange for the provision to the former President and his immediate family suitable diplomatic travelling documents and facilities at airports within the United Republic, as well as appropriate medical facilities and services, to the former President and his family as offered to the Minister.

(ii) Terminal benefits to Former Chief Minister who completed qualifying service.

Terminal benefits to be granted to former Chief Minister.

15.(1) Subject to the provisions of this Act, each former Chief Minister shall upon ceasing to hold that office, be granted :

- (a) winding up allowance of one million and five hundred thousand shillings as leadership gratuity; which sum shall not be altered except with the approval by resolution of the House of Representatives in terms of this Act; and
- (b) an annual pension of a sum of one hundred and eighty thousand shillings payable in twelve equal monthly instalments.

(2) The winding up allowance and the gratuity payable to the former Chief Minister is hereby exempted from income tax deduction.

Executive,
Social and
other
services to
former
Chief
Minister.

16.(1) The appropriate authority shall arrange for and secure the provision for the former Chief Minister and his immediate family such necessary security and other protection services as offered to the Ministers.

(2) The appropriate authority shall provide and maintain such number and type of motor-vehicles for conveyance of the former Chief Minister and his immediate family as is specified in the Schedule to this Act.

(3) The appropriate authority shall meet the travelling expenses of a former Chief Minister and his immediate family for journeys not exceeding three in a year within Tanzania and one in a year outside Tanzania.

(iii) Terminal Benefit to Former Chief Minister who does not complete qualifying service.

Terminal
benefit to
former Chief
Minister
who does not
complete
qualifying
service.

17.(1) Subject to the provisions of this Act, each Chief Minister who doesn't complete qualifying service shall upon ceasing to hold that office be granted -

- (a) leadership gratuity; and
- (b) annual pension.

(2) The leadership gratuity and pension payable to former Chief Minister shall be calculated in a manner specified in the Third Schedule to this Act.

(3) The leadership gratuity and pension payable to former Chief Minister shall not be subject to income tax deductions.

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(4) The appropriate authority shall provide services to former Chief Minister who has not completed qualifying service as indicated in the fourth schedule to this Act.

(5) No person who has served as Chief Minister for a period of one year shall upon ceasing to hold that office be granted terminal benefit under subsection (4) of this section.

PART IV

BENEFIT FOR SURVIVORS

Survivors to be granted allowance and pension.

18.(1) Where a holder of a specified state office dies in office, his survivors shall be granted -

(a) a gratuity of an amount equal to the leadership gratuity, which the specified state leader would have been granted had he lived to retire; and

(b) a survivor's annual pension, payable per month for a period of three years from the day next following the date of the death of the deceased specified state leader of an amount equal to the state leader would have received had he lived to retire.

(c) a survivor's allowance payable monthly to -

(i) each widow or husband of the deceased specified state leader an amount equals to one quarter of monthly instalment that would have been payable to the specified leader had he lived to retire;

(ii) every legitimate child of the deceased state leader born or conceived during the period of holding specified state office of an amount equal to the minimum salary for civil servant approved by the Government.

(2) The distribution of gratuity and survivors' pension as between the dependants shall be made in accordance with the intestate law of succession governing the community to which the deceased specified state leader belonged.

(3) The payment of survivors' pension shall cease either upon the expiry of a period of three years from the date either of the day next following the death of the deceased specified state leader or the day when it first commences to be paid or upon the death of the recipient, whichever shall be the earlier event, save that :-

- (a) where the whole or any part of the survivors' pension is being paid to a widow or husband who remarries within the period of three years from the date of the death of the deceased, the payment shall cease upon the date of that marriage;
- (b) where the recipient is a dependant child, the payment shall cease either upon his attaining the age of twenty or the age which he can look after himself and in the case of a female dependant when she gets married, whichever shall be the earlier event.

(4) Where a specified state leader after having ceased to hold a specified state office, dies while in receipt of pension under this Act but before the lapse of three years from the date when he ceased to hold the specified state office, his dependants shall subject to subsection (5) be granted survivors' pension not exceeding the amount of pension which was being paid to him immediately preceding his death, until the expiry of three years from the date when the deceased former specified state leader ceased to be a specified state leader.

(5) The payment of survivors' pension to dependants under subsection (4) shall be governed, mutatis mutandis, by the provisions of subsections (2) and (3).

(6) Where any portion of survivors' pension payable under this section ceases to be so payable by reason of the death of the recipient, remarriage of the widow or any dependant child attaining the age of twenty years during the period of three years following death of the deceased specified state leader, that portion shall, for the remaining period, be divided amongst other dependants in the proportion in which they would have been entitled under the appropriate law of succession.

(7) Where a specified state leader dies in office but leaves no dependants surviving him or survivors not qualifying to be dependants under this Act, there may be awarded to his estate only the gratuity, and no survivors' pension shall be paid in such case.

(8) The payment of survivors allowance payable under paragraph (c) of this section shall cease upon the marriage of a widow or husband from the date of such marriage and where the recipient is a dependant child the payment shall cease upon his attaining the age of twenty years or attaining the age which he can look after himself or upon marriage, whichever shall be the earlier event.

19. Every pension, survivors' pension and dependant's pension payable under this Act shall be payable monthly in arrears.

20.(1) In the case of a person who ceased or ceases to hold a specified state office prior to the enactment of this Act the President may, subject to the provisions of this section, by order published in the Gazette, provide for the grant of terminal benefits to such person or his dependants under this Act.

(2) When the President makes any order under subsection (1), that order shall not come into operation until it is approved by resolution of the House of Representatives.

Pensions to be payable monthly in arrears.

Provision in relation to past specified state leaders.

(3) Where the House of Representatives approves an order made by the President under subsection (1), the dependants of the person concerned shall, if he is dead or dies, be entitled to survivors' pension in accordance with this Act and the date of commencement of the order shall be deemed to be the date when that person relinquished specified office or died.

No terminal benefit to retired state leader disqualified from holding specified political office.

21.(1) Terminal benefits offered by or under this Act and granted to any person being a specified state leader who shall upon ceasing to hold that office holds a specified political office and is disqualified under the provisions of the Constitution from that specified political office in accordance with the provisions laid down in subsections (2) and (3) of section 11 of this Act shall cease from the day of his disqualification from the said political office.

(2) Any holder of a specified office who is not entitled to any terminal benefits pursuant to the provisions of this Act may be entitled to any pension or gratuity otherwise payable to him under any scheme by virtue of having held a public office prior to holding a specified state office.

Review of terminal benefit scheme.

22.(1) The President may from time to time, subject to the provisions of this section, by order published in the Gazette, review the terminal benefits granted to the former President, former Chief Minister their survivors and dependants under this Act.

(2) When the President makes any order under subsection (1) of this section such order shall not come into operation until it is first approved by resolution of the House of Representatives.

FIRST SCHEDULE

DESCRIPTION OF SERVICE TO BE PROVIDED TO
A FORMER PRESIDENT

1. One Cook.
2. One Domestic Servant.
3. One Gardener.
4. One Laundryman.
5. Two Guards.
6. Free Water.
7. Free Electricity.
8. Telephone (local calls).
9. Two Vehicles.
10. Two Drivers.
11. Maintenance and running expenses for vehicles as provided to Ministers.
12. Diplomatic Passport.
13. Use of VIP Lounge.
14. House or 10% of monthly pension paid monthly as Housing allowance where a former President has no accommodation of his own.
15. Shall be allowed to convert his local currency into foreign while travelling abroad.

SECOND SCHEDULE

DESCRIPTION OF SERVICE TO BE PROVIDED TO
A FORMER CHIEF MINISTER

1. One Cook.
2. One Domestic Servant.
3. One Gardener.
4. One Laundryman.
5. One Guard.
6. Free water.
7. Free Electricity.
8. Telephone (local calls).
9. One Vehicle.
10. One Driver.
11. Maintenance and running expenses for vehicles as provided to Ministers.
12. Diplomatic Passport.
13. Use of VIP Lounge.
14. House or 10% of monthly pension paid monthly as Housing allowance where a former Chief Minister has no accommodation of his own.
15. Shall be allowed to convert his local currency into foreign while travelling abroad.

THIRD SCHEDULE

- | | | | |
|--------------------------|---|-----------------|--|
| 1. Leadership Gratuity = | Winding up allowance payable to Chief Minister had he completed qualifying period | Multiply by | the number of years served as Chief Minister |
| | | Divide by five. | |
| 2. Annual pension = | Pension payable to Chief Minister had he completed qualifying period | Multiply by | the number of years served as Chief Minister |
| | | Divide by five. | |

FOURTH SCHEDULE

1. Electricity.
2. Water.
3. Petrol the same quantity as provided to Ministers.
4. Travelling expenses for three trips inside Tanzania per year with his immediate family members.
5. Shall be accorded status of Minister.
6. Accommodation for his lifetime; or
7. 10% of his monthly pension as housing allowance where a Former Chief Minister has no accommodation of his own.
8. Shall be allowed to convert his local currency into foreign while travelling abroad once a year.

Passed in the House of Representatives on the 20th day of September, 1988.

Abdul Rahman Ali Saleh
ABDUL-RAHMAN ALI SALEH

CLERK TO THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.

SHERIA NAMBA 4 YA 1988

NAKUBALI

Sd. I A Wakil
30 Oct. 1988

IDRIS ABDUL WAKIL
RAIS WA ZANZIBAR

NA

MWENYEKITI WA BARAZA LA MAMINDUZI

SHERIA YA UTOAJI WA MARUPURUFU NA MASLAHI MENGINE
KWA VIONGOZI WA TAIFA WANAPOSTAAFU UONGOZI PAMOJA
NA MAMBO MENGINE YANAYOHUSIANA NA HAYO.

IMETUNGWA NA BARAZA LA WAWAKILISHI LA ZANZIBAR.

SEHEMU YA KWANZA

UTANGULIZI

Jina lupi

1. Sheria hii itajulikana kama Sheria ya marupurupu kwa viongozi wa Taifa wanaostaaifu uongozi ya mwaka 1988 na itasomwa pamoja na Katiba.

Tarehe ya kuanzia

2. Sheria hii itajaaliwa kuanza kutumika siku ya tarehe 12 Januari, 1985.

Ufafanuzi

3. Katika Sheria hii, isipokuwa vyenginevyo itakavyoelezwa:-

"Mamlaka yanayohusika" kuhusiana na Kifungu chochote cha Sheria hii ina maana ya watu waliotajwa katika Kifungu cha 4 cha kuwa ni Mamlaka yanayohusika;

"Katiba" ina maana Katiba ya Zanzibar ya 1984;

"anayetegemea" kuhusiana na Kiongozi wa Taifa aliyefariki ina maana:-

- a) Iwapo marehemu Kiongozi huyo alikuwa ni mwanamme, kizuka wake au kama kabla ya kifo chake alikuwa na wake wawili au zaidi, vizuka wake wote;
- b) Iwapo marehemu Kiongozi huyo alikuwa mwanamke, aliyekuwa nume wake kabla ya kufariki;
- c) Kila mtoto halali wa marehemu Kiongozi huyo aliyezaliwa au aliyechukuliwa mima katika kipindi alipokuwa akishikilia Ofisi hiyo aliyechini ya umri wa miaka ishirini lakini haimhusishi mtoto yoyote wa marehemu aliyeolewa;
- d) Baba na mama wa marehemu Kiongozi huyo "aliyekuwa Rais" ina maana mtu aliyekuwa Rais lakini muda wake wa kushika nafasi hiyo umemalizika.

"aliyekuwa Waziri Kiongozi" ina maana mtu aliyekuwa Waziri Kiongozi lakini muda wake wa kushika Ofisi hiyo umemalizika;

"Waziri" inashirikisha Waziri bila ya Wizara Maalum na Naibu Waziri;

"Kiongozi wa Kisiasa" ina maana mtu ambaye anashikilia au alishikilia Ofisi ya Kisiasa;

"Ofisi ya Kisiasa" ina maana ya Ofisi yoyote ya Kisiasa kufuatana na vifungu vya Malipo ya Uzeeni (Wajumbe wa Bgraza la Mapinduzi) Decree Namba 6 ya 1980;

"muda wa kufanya kazi" ina maana ya miaka mitano ya kazi au zaidi;

"mshahara" ina maana ya mishahara kamili ya kiongozi huyo wa Taifa bila ya kuhusisha kiinua mgongo, au gharama nyengine za maisha au gharama nyengine zozote za aina hii;

"Ofisi Maalum ya Kisiasa" ina maana sawa kama ilivyoelezwa katika Kifungu cha 3, Kijifungu cha 4 cha Sheria hii;

"Kiongozi wa Taifa" ina maana ya Rais wa Zanzibar na Waziri Kiongozi wa Zanzibar;

"Ofisi ya Kitaiifa" ina maana ya Ofisi ya Rais wa Zanzibar na Ofisi ya Waziri Kiongozi Zanzibar;

"Gharama za Usafiri" ina maana ya thamani ya tiketi ya ndege;

Mamlaka
yanayohusika

4. Mamlaka yanayohusika:-

- a) Kwa mujibu wa Kifungu cha 12, 15(2), (3) 16 na 18 ina maana ya Katibu Mkuu Wizara ya Fedha na Mipango Zanzibar;
- b) Kwa mujibu wa Kifungu cha 17 ina maana ya Katibu Mkuu katika Ofisi ya Rais Zanzibar; na

- c) Iwapo haikuainishwa humu au katika Sheria hii ni Katibu Mkuu wa Wizara inayohusika na utowaji wa huduma hiyo iliyotakiwa kupewa aliyekuwa Kiongozi wa Taifa kwa madhumuni ya Sheria hii;

Utambuzi wa Ofisi
za Viongozi wa Taifa

5. Afisi ya Rais, Afisi ya Waziri Kiongozi wa Zanzibar zitajulikana kuwa ni Ofisi ya uongozi wa Taifa na wanaoshikilia Ofisi hizo kila mmoja atajulikana kuwa ni Kiongozi wa Taifa kwa madhumuni ya Sheria hii;

Kutolewa kwa
malipo

6.(1) Malipo ya Uzeeni, bahshishi na maposho mengine yataweza kutolewa kwa Kiongozi wa Taifa au kwa wanaomtegemea chini ya Mamlaka yanayohusika kulingana na vifungu vya Sheria hii.

(2) Malipo ya Uzeeni au bahshishi yoyote itolewayo kwa mujibu wa Sheria hii, yatatolewa kulingana na vifungu vitumikavyo kwa Kiongozi huyo wa Taifa.

Malipo kutokana
na Mfuko Mkuu
wa hazina

7. Mishahara, marupurupu na maslahi mengine yote chini ya Sheria hii yatatolewa kutokana na Mfuko Mkuu wa Hazina.

SEHEMU YA FILI

UTOAJI WA MARUPURUPU KWA VIONGOZI WA TAIFA

Utoaji wa
Marupurupu

8.(1) Mtu yeyote anayeshikilia Ofisi ya Kitaifa atapomaliza muda wake wa kushikilia Ofisi hiyo, kwa mujibu wa vifungu vya Sheria hii atapewa marupurupu kulingana na Sheria hii.

(2) Marupurupu yatayotolewa chini ya Sheria hii yatajumuisha:-

- a) Posho la kumaliza muda wa kazi kama litolewavyo kwa Ofisi hiyo ya Taifa kama ilivyoelezwa chini ya Sheria hii;
- b) Bahshis hi ya viongozi kama ilivyoashiriwa au ilivyoelezwa chini ya Sheria hii;
- c) Malipo ya Uzeeni ya kila mwaka yalipikayo kwa mwezi kwa kiongozi wa Taifa aliyeshika kiasi cha fedha kama kilivyoelezwa chini ya Sheria hii;
- d) Huduma za kinyumbani za kiongozi, hifadhi na huduma za kijamii kama zilivyoelezwa kwa mujibu wa mshikiliaji wa Ofisi ya Uongozi wa Kitaifa chini ya Sheria hii;

Rapitishwa
kwa Maslahi

9.(1) Bila ya kutilia maanani vijifungu vifuatavyo vya Kifungu hiki, Kiongozi wa Taifa hatopewa marupurupu yoyote yaliyotajwa katika Kifungu cha 8(2)(a) na (c) kama amehama kutoka Ofisi moja ya Uongozi wa Taifa na kuhamia Ofisi nyengine ambayo imetajwa chini ya kijifungu cha (4) kuwa ni Ofisi ya Uongozi wa kisiasa ambayo ni sawa na Ofisi ya Uongozi wa Taifa anayoihama au aliyoihama.

(2) Bila ya kujali vijifungu vifuatavyo vya kifungu hiki, hakuna marupurupu yatayotolewa kwa Kiongozi yeyote ambaye amehama kutoka Ofisi moja ya Uongozi wa Taifa na kuhamia Ofisi nyengine ya Uongozi wa Taifa mpaka pale atapostaafu kutoka Ofisi hiyo.

(3) Pale ambapo Kiongozi anahama kutoka Ofisi moja ya Uongozi wa Taifa na kuhamia Ofisi nyengine yenye daraja sawa chini ya Katiba ya Jamhuri ya Muungano wa Tanzania ya 1977 au anapohama Ofisi nyengine ya Kitaifa, atakapo-staafu kutoka Ofisi aliyokuwa anashikilia mwisho, atapewa marupurupu ya kustaafu ama chini ya Sheria hii au chini ya Sheria iliyotungwa na Bunge la Muungano na wala sio chini ya Sheria zote mbili.

(4) Kwa ajili ya Kifungu hiki maneno "Ofisi ya Uongozi wa Kisiasa" ina maana:-

- a) Kuhusiana na Ofisi ya Rais wa Zanzibar, Ofisi ya Rais wa Jamhuri ya Muungano wa Tanzania;
- b) Kuhusiana na Ofisi ya Waziri Kiongozi, Ofisi ya Rais wa Zanzibar, Ofisi ya Rais wa Muungano wa Tanzania, Spika, Waziri au Mjumbe wa Baraza la Wawakilishi la Zanzibar au Mjumbe wa Bunge la Muungano wa Tanzania.

Namna ya
kutolewa
marupurupu

10.(1) Chini ya masharti ya vifungu vya Sheria hii, marupurupu yatatolewa kwa Kiongozi wa Taifa pale anapomaliza muda wake wa kushikilia Ofisi ya Uongozi wa Taifa kuzingatia vipengele vifuatavyo:-

- a) Pale anapostaafu kazi katika Ofisi ya Viongozi wa Taifa bila ya kuhamia ~~katika~~ Ofisi ya Uongozi wa Kisiasa;
- b) Iwapo Kiongozi huyo amemaliza muda wake wa kushikilia Ofisi ya Uongozi bila ya kuchaguliwa au kuteuliwa tena kwenye Uongozi wa Kitaifa;

7/.....

- c) Kuhusiana na Rais, wakati patakapokuwa na ushahidi wa kidaktari uliohibitishwa na Halmashauri Kuu ya Taifa, na kuhusiana na Kiongozi mwingine wa Taifa pawe na ushahidi wa kidaktari uliohibitishwa na Rais kuwa Kiongozi mstaafu hana uwezo kwa sababu ya ugonjwa wa mwili au akili kufanya kazi katika Ofisi ya Uongozi wa Kitaifa anaoshikilia;
- d) Kama muda wake wa kushika Ofisi ya Uongozi wa Kitaifa aliyonayo umemalizika;
- e) Iwapo amejiuzulu kutoka katika Uongozi wa Kitaifa kwa mujibu wa Vifungu vya Katiba.

(2) Iwapo kabla ya kuchaguliwa au kuteuliwa Kiongozi huyo kushika Uongozi wa Ofisi ya Kitaifa ameajiriwa kwa kuzingatia malipo ya uzeeni au kama uajiri wake ulitegemea utaratibu wa marupurupu ya kustaafu yaliyopangwa na muajiri wake wa mwanzo, kama marupurupu hayo yanalingana na utaratibu wa malipo ya uzeeni, haki ya Kiongozi huyo kupata marupurupu chini ya mpango huo itamaliza na atawajibika kupata marupurupu chini ya Sheria hii tu.

(3) Kwa kuepusha utatanishi, Kiongozi wa Taifa au Kiongozi wa Ofisi ya Kisiasa ambae amechaguliwa kushika Uongozi au wa Ofisi ya Taifa, kupata kwake malipo ya uzeeni au bahshishi au malipo mengine kwa kushika Ofisi hiyo kama ni Kiongozi wa Taifa au Kiongozi wa Kisiasa hakutajali kuwa anashikilia Ofisi ya Kisiasa.

Haki ya kupata
marupurupu

11.(1) Kutokana na Kifungu cha (2) na cha (3) vya Kifungu hiki marupurupu yatakayotolewa kwa mujibu wa Sheria hii kwa kushika Ofisi ya Uongozi wa Taifa itakuwa ni haki ya Kiongozi huyo kwa mujibu wa Vifungu vya Katiba kupata marupurupu hayo na hakutakuwa na mtu yeyote au Mamlaka yoyote yatakayoweza kupunguza, kusitisha au kuondosha haki hiyo isipokuwa pale itakapoamuliwa kabla na Baraza la Wawakilishi kwa mujibu wa Sheria iliyotungwa kwa ajili hiyo itakayokubaliwa na thuluthi mbili ya wajumbe wote wa Baraza la Wawakilishi kuwa haki hiyo isitolewe kwa Kiongozi huyo.

(2) Kiongozi wa Taifa hatowajibika kupata marupurupu kwa mujibu wa Sheria hii kama ataondoka au kuondolewa kwenye Uongozi wa Kitaifa katika hali ambayo imethibitishwa Kikatiba bila ya shaka yoyote kuwa ni kinyume na mienendo, utaratibu wa maadili ya Uongozi wa Taifa.

(3) Rais wa Zanzibar atateuwa Tume yenye Mwenyekiti na Wajumbe wengine wawili ambao ni Majaji au wanaoweza kuwa Majaji wa Mahkama Kuu ya Zanzibar kufanya uchunguzi juu ya madai yaliyodaiwa chini ya Kijifungu cha (2) yanayohalalishwa kunyimwa kama marupurupu kwa Kiongozi wa Ngazi za Taifa.

SEHEMU YA TATU

UPEWAJI WA MARUPURUPU NA MASLAHI MENGINE

Marupurupu
kupewa Rais

- (i) Marupurupu na Maslahi mengine
kwa Rais Mstaafu.

12.(1) Kwa mujibu wa masharti ya Sheria hii, kila Rais wa Zanzibar atapoacha Urais atawajibika kupata:-

- a) Jumla ya Shilingi Milioni Mbili kama bahshihi ya Uongozi, na

- b) Malipo ya mwaka ya uzeeni ya Shilingi Laki Tatu na Sitini Eflu, zitakazolipwa sawa sawa katika kipindi cha miezi kumi na mbili.

(2) Bahshishi ya uongozi pamoja na malipo ya uzeeni yatakayolipwa kwa Rais mstaafu hayatatowazwa Kodi ya Mapato.

Wafanyakazi wa nyumbani

13.(1) Mamlaka yanayohusika yatatoa wafanyakazi wa nyumbani kwa Rais mstaafu kama watakavyochaguliwa na Rais mstaafu mwenyewe kama ilivyoainishwa katika Jadwali ya kwanza ya Sheria hii.

(2) Wafanyakazi wote ambao wameajiriwa Serikalina ambao itatokezea na kuchaguliwa, kuhamishiwa au kupelekwa kama wafanyakazi wa nyumbani kwa Rais mstaafu wataendelea kuwa ni wafanyakazi wa Serikali na katika utekelezaji wa kazi zao watawajibika moja kwa moja kwa Rais mstaafu.

(3) Mamlaka yanayohusika yatatoa na kuyahudumia magari kwa ajili ya Rais mstaafu na familia yake kama itakavyoona ni sawa.

Hifadhi na usalama wa Rais

14.(1) Mamlaka yanayohusika yatapanga na kusimamia hifadhi na usalama wa Rais mstaafu na familia yake kama itakavyoona ni sawa.

(2) Mamlaka yanayohusika yatashughulikia gharama zote za usafiri kwa Rais mstaafu na familia yake kwa safari za ndani zisizozidi nne (4) na moja (1) ya nje ya Tanzania kwa kila mwaka.

(3) Mamlaka yanayohusika yatahakikisha kwamba Rais mstaafu na familia yake wanapatiwa hati za kusafiria zenye hadhi za kibalozi pamoja na huduma katika viwanja vya ndege ndani ya Tanzania na huduma zote za kiafya kama zinavyotolewa kwa Waziri.

Marupurupu
kwa Waziri
Kiongozi

(ii) Maslahi kwa Waziri Kiongozi Mstaafu.

15.(1) Chini ya masharti ya Sheria hii, kila Waziri Kiongozi mstaafu atawajibika kupata:-

- (a) Shilingi Milioni Moja na Laki Tano kama bahshishi ya uongozi, kima ambacho hakitabadilishwa isipokuwa kwa kupitishwa na Kikao cha Baraza la Wawakilishi.
- (b) Malipo ya mwaka ya uzeeni ya jumla ya Shilingi Laki Moja na Thamanini Elfu zitakazolipwa sawa sawa katika kipindi cha miezi kumi na mbili.

(2) Bahshishi ya uongozi wa malipo ya uzeeni yatayolipwa kwa Waziri Kiongozi mstaafu hayatatozwa Kodi ya Mapato.

Hifadhi na
usalama kwa
Waziri Kiongozi

16.(1) Mamlaka yanayohusika yatapanga na kusimamia hifadhi na usalama wa Waziri Kiongozi mstaafu na familia yake kama zinavyotolewa kwa Mawaziri.

(2) Mamlaka yanayohusika yatatoa na kuyahudumia magari kwa ajili ya Waziri Kiongozi mstaafu na familia yake kama ilivyoainishwa katika Jadweli ya pili ya Sheria hii.

(3) Mamlaka yanayohusika yatashughulikia gharama zote za usafiri kwa Waziri Kiongozi mstaafu na familia yake kwa safari za ndani zisizozidi tatu na moja nje ya Tanzania kwa kila mwaka.

- (iii) Marupurupu na Maslahi Mengine
Kwa Waziri Kiongozi Mstaafu
Ambae Hakumaliza Muda Wake Wa
Uongozi

17.(1) Chini ya masharti ya Sheria hii kila Waziri Kiongozi ambaye hakumaliza muda wake wa uongozi atapatiwa:-

- a) Bahshishi ya uongozi; na
- b) Malipo ya uzeeni ya kila mwaka.

(2) Bahshishi na malipo ya uzeeni kwa Waziri Kiongozi asiemaliza muda wake wa uongozi yatalipwa kama ilivyoainishwa katika Jadweli ya Tatu ya Sheria hii.

(3) Bahshishi ya uongozi na malipo ya uzeeni kwa Waziri Kiongozi aliyekuwa hakumaliza muda wake wa uongozi hayatatozwa Kodi ya Mapato.

(4) Mamlaka yanayohusika yatatoa huduma kwa Waziri Kiongozi aliyekuwa hakumaliza muda wake wa Uongozi kama ilivyoainishwa katika Jadweli ya Nne ya Sheria hii.

(5) Mtu yeyote aliyewahi kuwa Waziri Kiongozi kwa muda wa mwaka mmoja au chini ya muda huo na hakumaliza muda wa uongozi hatowajibika kupata maslahi chini ya Kijifungu cha 4 cha Kifungu hiki.

SEHEMU YA NNE
MARUPURUPU KWA WARITHI WA KIONGOZI WA TAIFA

Marupurupu
kwa warithi

18.(1) Kiongozi wa Taifa anapofariki
akiwa kazini warithi wake watawajibika kupata:-

- a) Bahshishi itakayokuwa sawa na ile ambayo Kiongozi angepata wakati wa kustaafu kwake; na
- b) Malipo ya uzeeni kwa warithi wa Kiongozi huyo sawa na yale ambayo Kiongozi anaepata wakati wa kustaafu kwake kwa muda wa miaka mitatu tokea tarehe aliyofariki kiongozi huyo.
- c) Posho la warithi litalipwa kwa mwezi kama:-
 - (i) kila kizuka au aliyekuwa mume wake kabla ya kufariki kiwango ambacho ni sawa na robo moja ya malipo ya mwa ka ya uzeeni ambayo angelipwa Kiongozi kila mwezi baada ya kustaafu;
 - (ii) kila mtoto halali wa Kiongozi huyo aliyezaliwa au aliyechukuliwa mimba katika muda ambao Kiongozi huyo alishikilia uongozi wa Taifa atalipwa idadi sawa na kima cha chini cha mshahara wa mfanyakazi wa Serikali utakaidhinishwa na Serikali.

(2) Ugawaji wa bahshishi na malipo ya uzeeni ya wanaomteg emea kati yao utafanywa kulingana na Sheria za urithi zilizomo katika jamii anayotokana na marehemu.

(3) Ulipwaji wa malipo ya uzeeni kwa warithi wa Kiongozi huyo wa Taifa utamalizika kwa kumalizika kipindi cha miaka mitatu tokea marehemu Kiongozi huyo afariki au siku ya mwanzo ya kuanza kulipwa au kutokana na kifo cha mlipwaji lolote litakalotokea mwanzo isipokuwa:-

- a) Ikiwa malipo yote au sehemu yake yalikuwa yanalipwa kwa kizuka wa marehemu Kiongozi huyo ambae baadae ameolewa katika kipindi cha miaka mitatu tokea kifo cha Kiongozi huyo malipo hayo yatamalizika kuanzia siku kizuka huyo atapoolewa;
- b) Ikiwa mlipwaji ni mtoto anaemtegemea marehemu malipo hayo yatamalizika pale mtoto huyo atapofikia umri wa kujitegemea, miaka ishirini au kwa upande wa mtoto mwanamke pale atakapoolewa lolote litakalotokea mwanzo.

(4) Pale Kiongozi wa Taifa baada ya kumaliza muda wake wa uongozi amefariki akiwa katika malipo ya uzeeni kwa mujibu wa Sheria hii lakini kabla ya kumaliza miaka mitatu tangu amalize muda wake wa uongozi, watu wanaomtegemea Kiongozi marehemu huyu watapewa malipo ya uzeeni chini ya masharti ya kijifungu cha tano (5) yasiozidi kima cha malipo ya uzeeni ambayo alikuwa anapata marehemu kabla ya kifo chake mpaka pale itapomalizika miaka mitatu kuanzia tarehe marehemu Kiongozi huyo alipomaliza muda wake wa kuwa Kiongozi wa Taifa.

(5) Malipo ya uzeeni yanayolipwa kwa warithi wanaomtegemea marehemu Kiongozi huyo wa Taifa chini ya Kijifungu cha Nne (4) yatalipwa kama yatakavyobadilishwa mara kwa mara kwa mujibu wa Vijifungu vya pili (2) na cha tatu (3) cha Kifungu hiki.

(6) Iwapo sehemu yoyote ya malipo ya uzeeni kwa warithi wa marehemu Kiongozi huyo yanalipwa chini ya Kifungu hiki yatamalizika kulipwa kwa sababu ya kifo cha mpokeaji, kuolewa kwa kizuka wa marehemu au kwa mtoto anayemtegemea marehemu kufikia umri wa kujitegemea au miaka ishirini katika kipindi cha miaka mitatu kutoka kifo cha marehemu Kiongozi huyo; sehemu hiyo ya malipo kwa muda uliobakia itagawiwa miongoni mwa watu wanaomtegemea marehemu katika kiwango ambacho wangestahili kupata chini ya Sheria ya urithi inayohusika.

(7) Iwapo Kiongozi wa Kitaifa amefariki akiwa katika uongozi na hakuacha mtu yeyote aliehai ambae anamtegemea, au waliohai hawastahiki kuwa wanaomtegemea kwa madhumuni ya Sheria hii, kunaweza tu kuwa na bahshishi katika tirka yake, na hakutakuwa na malipo ya uzeeni kwa warithi yatakayolipwa katika hali hiyo.

(8) Ulipwaji wa posho kwa warithi wa marehemu Kiongozi huyo yanayolipwa chini ya aya (c) ya kifungu hiki yatamalizika kwa kuolewa kwa kizuka wa marehemu Kiongozi huyo au kwa kuoja kwa aliyekuwa mume wa Kiongozi huyo kabla ya kufariki kuanzia tarehe ya harusi hiyo; na pale mpokeaji akiwa ni mtoto anayemtegemea marehemu Kiongozi huyo malipo yatamalizika kwa kufikia umri wa miaka ishirini au atakapofikia umri ambao ataweza kujitegemea mwenyewe au baada ya kuolewa, lolote litakalotokea mwanzo.

Malipo ya uzeeni
malipwa kwa
malimbikizo

19. Kila malipo ya uzeeni, malipo ya uzeeni kwa warithi wa marehemu na malipo ya uzeeni kwa wanaomtegemea marehemu yanayolipwa chini ya Sheria hii yatalipwa kwa mwezi kwa malimbikizo.

Kiongozi
waliomaliza muda

20.(1) Kwa mtu ambae amemaliza au anamaliza muda wa kushika Ofisi ya uongozi wa Taifa kabla ya kutungwa kwa Sheria hii Rais wa Zanzibar kwa mujibu wa masharti ya Vifungu vya Sheria hii anaweza kwa toleo maalum lililotolewa katika Gazeti Rasmi la Serikali, kuidhinisha kupewa marupurupu ya mwisho kwa mtu huyo au kwa wanaomtegemea chini ya Sheria hii.

(2) Rais anapotoa toleo lolote chini ya Kifungu cha kwanza (1) cha Kifungu hiki, amri hiyo haitotumika mpaka pale itakapokubaliwa na kuidhinishwa na Baraza la Wawakilishi la Zanzibar.

(3) Iwapo Baraza la Wawakilishi litakubali pendekezo hilo lililotolewa na Rais chini ya Kijifungu cha kwanza (1) watu wanaomtegemea mtu huyo ikiwa alikufa au amekufa watastahili kupata malipo ya uzeeni kwa warithi wa marehemu kwa mujibu wa Sheria hii na tarehe ya kuanza kutumika kwa toleo hili itajaaliwa kuwa ni tarehe ambayo marehemu huyo amemaliza uongozi huo au amefariki.

Kusitishwa kwa
marupurupu

21(1) Marupurupu yatakayotolewa chini ya Sheria hii kwa mtu ambae ni Kiongozi wa Taifa ambae ameachishwa kushikilia uongozi wa Ofisi ya Kisiasa chini ya masharti ya Katiba kulingana na masharti yaliyowekwa katika Vifungu vya pili (2) na cha tatu (3) vya Kifungu cha 11 cha Sheria hii yatamalizika kuanzia ile siku ambayo Kiongozi huyo ameachishwa uongozi wa Ofisi hiyo ya Kisiasa.

(2) Kiongozi yeyote wa Kitaifa asiyepata marupurupu kwa mujibu wa Sheria hii ataweza kupata malipo ya uzeeni au bahshishi ya uongozi nyengine yoyote kama mfanyakazi wa Serikali kabla ya kushikilia Ofisi ya Kitaifa.

Kuchunguzwa kwa marupurupu

22.(1) Rais anaweza kwa kila baada ya wakati kwa mujibu wa masharti ya Kifungu hiki kutoa toleo litakalochapishwa katika Toleo Rasmi la Serikali kuchunguza marupurupu yatolewayo kwa Rais mstaafu, Waziri Kiongozi mstaafu, warithi wao na wanaomtegemea chini ya Sheria hii.

(2) Wakati Rais anapotoa Toleo hilo chini ya Kijifungu cha (1) cha Kifungu hiki, toleo hilo halitatumika mpaka pale litakapo-kubaliwa na kuidhinishwa na Baraza la Wawakilishi la Zanzibar.

JADWELI YA KWANZA

MAELEZO YA HUDUMA ATAKAZOPEWA RAIS MSTAAFU

1. Mpishi mmoja
2. Mtumishi wa nyumbani mmoja
3. Mtunza bustani mmoja
4. Dobi mmoja
5. Walinzi wawili
6. Maji bure
7. Umeme bure
8. Simu (Ndani ya Zanzibar)
9. Gari mbili
10. Madereva wawili
11. Utunzaji na uendeshaji wa gharama za magari kama wanavyopewa Mawaziri
12. Hati ya Kibalozi ya kusafiria
13. Matumizi ya V.I.P.
14. Nyumba au asilimia kumi ya malipo ya uzeeni ambayo yanalipwa kwa mwezi kama posho la nyumba ambapo Rais mstaafu hana nyumba yake mwenyewe
15. Rais mstaafu ataruhusiwa kubadilisha fedha zake za Kitenzania na kupewa za kigeniwakati akisafiri nje ya nchi.

JADWELI YA PILI

MAELEZO YA HUDUMA ATAKAZOPEWA WAZIRI KIONGOZI MSTAAFU

1. Mpishi mmoja
2. Mtumishi mmoja wa nyumbani
3. Mtunza bustani mmoja
4. Dobi mmoja
5. Mlinzi mmoja
6. Maji bure
7. Umeme bure

8. Simu (ndani ya Zanzibar)
9. Gari moja
10. Dereva mmoja
11. Gharama za uendesaji na utunzaji wa magari kama anazopewa Waziri
12. Hati ya kibalози ya kusafiria
13. Matumizi ya V.I. P.
14. Nyumba au asilimia kumi ya malipo ya uzeeni ambayo yanalipwa kwa mwezi kama posho la nyumba iwapo Waziri Kiongozi mstaafu hana nyumba yake mwenyewe
15. Waziri Kiongozi mstaafu ataruhusiwa kubadilisha fedha zake za Kitanzania kwa kupewa za kigeni wakati akisafiri nje ya nchi.

JADWALI YA TAFU

1. Bahshishi ya Tongozi = Bahshishi ya Tongozi
atajolipwa Waziri Kiongozi Zidisha Idadi ya miaka aliyofanyia
kama angalimaliza muda wa uongozi kazi kama Waziri Kiongozi
kwa

Gawa kwa Tano

2. Malipo ya uzeeni = Malipo ya uzeeni atajolipwa Kwa idadi ya miaka
kwa mwaka Waziri Kiongozi kama aliyofanyia kazi
angalimaliza muda wake wa uongozi Zidisha kama Waziri Kiongozi
kwa

Gawa kwa Tano

JADWELI YA NNE

1. Umeme.
2. Maji.
3. Petroli kiwango kama wanachopewa Mawaziri.
4. Gharama za safari ndani ya Tanzania yeye na familia yake mara tatu kwa mwaka.
5. Atapewa hadhi ya Kiwaziri.
6. Atapewa nyumba ya kuishi kwa uhai wake; au
7. Atalipwa asilimia kumi (10%) ya malipo ya uzeeni kama posho la nyumba kama aliyekuwa Waziri Kiongozi hana nyumba yake mwenyewe.
8. Ataruhusiwa kubadilisha fedha zake za Tanzania katika fedha za kigeni mara moja kwa mwaka ataposafiri kwenda nje ya Tanzania.

Imepitishwa na Baraza la Wawakilishi la Zanzibar tarehe 20 Septemba, 1988.

ABDUL-RAHMAN ALI SALEH
KATIBU BARAZA LA WAWAKILISHI LA ZANZIBAR