

THE ZANZIBAR PROVIDENT FUND ACT, 1990.

ARRANGEMENT OF SECTIONS.

<u>SECTION</u>	<u>TITLE</u>
<u>PART I</u>	
<u>PRELIMINARY</u>	
1.	Short title and Commencement.
2.	Application.
3.	Interpretation.
<u>PART II</u>	
<u>CONSTITUTION, POWERS AND FUNCTION OF THE BOARD</u>	
4.	Establishment and constitution of the Board.
5.	Board to be a body corporate.
6.	Power of the Board.
7.	Powers to issue stamps.
<u>PART III</u>	
<u>FINANCIAL PROVISIONS</u>	
8.	Establishment of Provident Fund.
9.	Rate of interest.
10.	Special death benefit.
11.	Advance by Government.
12.	Expense.
13.	Accounts and audit.
<u>PART IV</u>	
<u>CONTRIBUTIONS TO THE FUND</u>	
14.	Payments of contributions.
15.	Surcharge on late payment.
16.	Unpaid contributions deemed to be paid in certain circumstances.
17.	Voluntary contributors.
18.	Amount standing to credit of member.

SECTION

TITLE

PART V

ALLOCATION OF PAYMENTS INTO THE FUND

19. Contributions to be paid into the Fund and credited to members.
20. Revenue other than contributions.

PART VI

ELDERLY EMPLOYEES AND MEMBERS EMPLOYED AFTER WITHDRAWAL

21. Re-employment and continuation in employment.

PART VII

PERMITTED FUNDS AND EXEMPTIONS

22. Approval of permitted funds.
23. Revocation of approval.
24. Transfer of credits to the Fund.
25. Permitted funds and insurance policies.
26. Transfer of credits to permitted fund.
27. Winding up to permitted funds.
28. Date of receipt by Fund of sums out of permitted funds.
29. Rules and accounts of funds.
30. Exemptions.

PART VIII

WITHDRAWAL OF CONTRIBUTIONS

31. Withdrawal to be approved by Board.
32. Withdrawal otherwise than upon death.
33. Withdrawal by nominee.
34. Evidence.
35. Nomination.
36. Procedure where there is no nominee or a minor nominee.
37. Payment of special death benefit.

SECTION

TITLE

PART IX

TRANSFERS TO BUILDING SOCIETIES

- 38. Application.
- 39. Transfer from members account to building society.
- 40. Application by building society of sum transferred.
- 41. Saving.
- 42. Transfer back to Fund.
- 43. Limitation on transfers.

PART X

PROTECTION OF SUMS CONTRIBUTED
AND WITHDRAWN

- 44. Member's credit not subject to sequestration.
- 45. Authority of Board to make payments abroad.
- 46. Payments under annuities deemed to be sums withdrawn from the fund.
- 47. Bankruptcy of employee.
- 48. Bankruptcy, liquidation etc. of employer.
- 49. Secrecy.

PART XI.

- 50. Offences and penalties.
- 51. Notice of unpaid contributions.
- 52. Further powers of court.
- 53. Liability of officers of corporations.
- 54. Repayment to employee of illegal deduction.
- 55. Prosecutions.
- 56. Evidence in proceedings.
- 57. Civil proceedings.
- 58. Loss of benefit through default of employer.
- 59. Proceedings.
- 60. Application of sums recovered by Board.
- 61. Certificate by Manager.

SECTION

TITLE

PART XII

POWERS OF INSPECTORS AND OFFICERS
OF THE FUND

- 62. Powers of inspectors.
- 63. Powers of Officers of the Fund.

PART XIII

GENERAL PROVISIONS

- 64. Application for loan by a member.
- 65. Payment to be made within six months.
- 66. Offence and penalty.

PART XIV

REGULATIONS

- 67. Regulations.

PART XV

POWERS OF THE MINISTER

- 68. Exemptions and annuities.
- 69. Reciprocal agreement.

FIRST SCHEDULE

EXEMPTIONS

SECOND SCHEDULE

RATES OF CONTRIBUTION

ACT NO. 7 OF 1990.

I ASSENT



IDRIS ABDUL WAKIL

PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

... 22nd October 1990.

AN ACT TO ESTABLISH THE ZANZIBAR PROVIDENT FUND.

ENACTED by the House of Representatives of
Zanzibar.

PART I

PRELIMINARY

- Short title and commencement. 1. This Act may be cited as the Zanzibar Provident Fund Act, 1990 and shall come into operation on such date as the Minister may by notice published in the Gazette appoint.
- Application. 2. This Act shall apply to all employees with the exception of those exempted under Schedule I of this Act.
- Interpretation. 3. In this Act, unless the context otherwise requires -
- "amount of wages for the month" means :-
- (a) in respect of an employee paid monthly or at intervals of longer than a month, the amount of wages due to him in respect of the month;

2/....

- (b) in respect of any other employee, the aggregate amount of wages due to him on such pay days as fall within the month:

Provided that in computing the amount of wages any cents payable on each occasion of payment shall be ignored, unless on any such occasion the total amount payable is less than one shilling in which case shall be deemed to be one shilling;

"Board" means the Zanzibar Provident Fund Board established under the provisions of subsection (1) of section 4;

"contribution" means any sum payable to the Fund under the provisions of section 14, 17, 24, 27, 48, 51, 52 or 57;

"date of entitlement" means, in respect of any member of the Fund, the day (whichever shall first occur) on which it is proved to the satisfaction of the Board that such member -

- (a) has attained the age of fifty-five years; or
- (b) has died; or
- (c) is physically or mentally incapacitated from ever engaging in any further employment; or
- (d) is about to leave or has left Zanzibar with no intention of returning thereto; or
- (e) being a woman, leaves Zanzibar for the purpose of joining her husband who is resident outside Zanzibar;

"date of entry" means in respect of any member of the Fund the first day of the month in which the first contribution payable in respect of that member shall have been made to the Fund;

"employee" means any person, not being a person of any of the description specified in the First Schedule nor a person exempted by an order made under the provisions of paragraph (a) of section 67, nor under the provisions of section 30, who :-

3/....

- (a) is employed in Zanzibar under a contract of service or apprenticeship, whether written or oral or whether expressed or implied; or
- (b) being in Zanzibar, is under a contract for the performance of manual labour entered into by him either as an individual person or as one of a group of persons; or
- (c) being a Zanzibari, is employed in the manner specified in either of paragraphs (a) or (b) outside Zanzibar by an employer having a place of business in Zanzibar; or
- (d) being a Zanzibari, is employed under a contract of service entered into in Zanzibar as a master or member of the crew of any vessel, or a captain or member of the crew of any aircraft, the owners of which have a place of business in Zanzibar; or
- (e) is declared by the Minister, by notification in the Gazette, to be an employee, for the purposes of this Act, of the Government; or
- (f) a member of a co-operative society employed by the society of which he is a member;

"employer" means :-

- (a) in respect of any employee as defined in paragraph (a) of the definition of "employee", the person with whom such employee has entered into a contract of service or apprenticeship; or
- (b) in respect of any employee as defined in paragraph (b) of the definition of "employee", the person with whom such employee has entered into a contract to perform manual labour; or
- (c) in respect of any employee as defined in paragraph (c) of the definition of "employee", the Government or the employer having a place of business in Zanzibar as the case may be; or

- (d) in respect of any employee as defined in paragraph (d) of the definition of "employee", the owners of the vessel or aircraft in which the employee as also defined is employed; or
- (e) in respect of any employee as defined in paragraph (e) of the definition of "employee", the Government; or
- (f) in respect of an employee as defined in paragraph (f) of the definition of "employee", the co-operative society by which he is employed;

"entitled member" means a member who has not re-entered the Fund after having withdrawn the amount standing to his credit on any of the grounds referred to in paragraph (a), (c) or (e) of the definition of "date of entitlement";

"financial year" means the period from the first day of July in any year to the thirtieth day of June in the following year;

"Fund" means the Fund established under the provisions of section 7;

"Housing Loan" means the Housing Loan approved by the Minister in writing;

"Manager" means the General Manager appointed by the President in accordance with the provisions of subsection (1) of section 6;

"maximum sum" means the sum declared by the Board under the provisions of section 10;

"member of the Fund" or "member" means any person in respect of whom any contribution has been paid to the Fund;

"nominee" means a person nominated by a member of the Fund in accordance with the provisions of section 35 to receive the whole or part of such member's credit in the event of the death of such member;

"permitted fund" means a provident fund or other scheme declared to be a permitted fund by the Board under the provisions of subsection (1) of section 22;

"voluntary contributor" means a person who enters the Fund under the provisions of section 17;

"wages" means all emoluments which would be due in money to an employee under this contract if no deductions were made therefrom, whether in pursuance of any law requiring or permitting the making of any deduction or otherwise and whether such emoluments have been agreed to be paid monthly, weekly, daily or otherwise;

Provided that the following shall be deemed not to be wages :-

- (a) payments made by an employer to an employee in reimbursement of sums necessarily expended by him on behalf of his employer for the purposes of his employment;
- (b) payments made by the Government to a public officer engaged under an overseas service aid scheme.

PART II

CONSTITUTION, POWERS AND FUNCTION OF THE BOARD

Establishment and constitution of the Board.

4.(1) There is hereby established a board to be called the Zanzibar Provident Fund Board consisting of :-

- (a) a chairman appointed by the President;
- (b) two persons holding an office of emolument under the Constitution appointed by the Minister;
- (c) two representatives of employers not being persons holding an office of emolument under the Constitution or under the provisions of any Act appointed by the Minister;
- (d) two representatives of employees, to be appointed by the Minister, in consultation with the National Union of Workers (JUWATA); and

6/....

(e) the Manager who shall be the Secretary to the Board.

(2) Members of the Board may be appointed for a term of five years or for such shorter period as the Minister may in any case determine but nothing in this subsection shall be read as preventing the Minister from re-appointing any member of the Board upon the expiry of his term of office.

(3) Every member of the Board and every person appointed by the Board under the provisions of subsection (1) of section 6 of this Act, shall be deemed to be a person employed in the public service within the meaning of the Penal Decree.

(4) A member of the Board shall not communicate or reveal to any person any matter which shall be brought under his consideration or shall become known to him as a member of the Board except as may be required for the due discharge of his duties as such.

(5) Members of the Board shall be paid such remuneration and such travelling and subsistence allowances as may be fixed by the Board with the approval of the Minister.

(6) The quorum of the Board shall be three.

(7) The Board shall have power to make rules for the conduct of its proceedings.

Board to be a body corporate.

5.(1) The Board shall be a body corporate and shall, by the name of "The Zanzibar Provident Fund Board", have perpetual succession and a common seal which shall be affixed in the presence of two members thereof. The Board may sue and be sued in its corporate name and may enter into contracts and may acquire, purchase, take, hold and enjoy real and personal property of every description and may convey, assign, surrender, yield up, charge, mortgage, lease, demise, re-assign, transfer or otherwise dispose of or deal with any real or personal property or any interest therein vested in the Board upon such term as the Board deems fit.

7/....

(2) Service of any document on the Manager shall be deemed to be service on the Board.

Power of
the
Board.

6.(1) The Board shall have power to engage and appoint a staff consisting of such officers and servants as are in the opinion of the Board necessary for the purpose of carrying out the provisions of this Act.

(2) The Board shall have power to appoint agents to carry out such functions as may be necessary for the purpose of this Act and may by its officers direct such agents as to the extent and manner in which their functions shall be carried out.

(3) The Board shall have power to appoint, as Inspectors having the powers set out in section 62 of this Act, any of the persons appointed under the provisions of subsection (1) of section 62 and, with the consent of the Minister, any person or classes of persons appointed under the provisions of subsection (2) of this section.

(4) The Board shall have such powers and shall perform such duties including the duty of enforcement as are given or imposed by this Act or by any law for the time being in force and may, with the consent of the Minister, by instrument in writing under the common seal delegate to any person all or any of such powers and duties:

Provided that if the Board shall delegate any such power or duty to any of its officers or servants such delegation shall be by a resolution made and recorded at a properly constituted meeting of the Board.

Powers to
issue stamps.

7. The Board may print, sell, issue and utter adhesive or impressed stamps for the purpose of payment of contributions under the provisions of subsection (1) of section 14 and may prescribe the design of such stamps and the circumstances and manner in which they shall be used.

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PART III
FINANCIAL PROVISIONS

Establishment
of
Provident
Fund.

8.(1) For the purposes of this Act, there shall be a fund to be called the Zanzibar Provident Fund, into which shall be paid all contributions required to be made under the provisions of this Act and out of which shall be met all payments required to be made by the Fund under the provisions of this Act.

(2) The Board shall be the Trustee of the Fund, and the moneys belonging to the Fund shall, subject to any general direction of the Minister -

- (a) be deposited in a Bank or Banks duly licensed under the provisions of the Laws;
- (b) be invested in accordance with the provisions of the Laws:

Provided that it shall be lawful for the Board to make loans or advances to its servants as part of their conditions of employment or grants, payments, loans or advances for purposes relating to such conditions as aforeaaid, upon such terms as the Board may consider reasonable.

Rate of
interest.

9. At or before the end of each financial year, the Board shall having considered the recommendation of the Manager, and in consultation with the Minister, declare a rate of interest in respect of that financial year, being not less than five (5%) per cent per annum and, subject to the provisions of subsection (2) of section 19, interest shall be payable on the amount standing to credits of members' accounts as calculated in accordance with the provisions of section 19 of this Act at such rate:

Provided that -

- (i) no rate of interest exceeding five (5%) per cent per annum shall be so declared unless in the opinion of the Board the ability of the Fund to meet all payments required to be paid under this Act is not endangered by the declaration of such rate; and

9/....

- (ii) no rate of interest exceeding five per cent per annum shall be so declared if any sums advanced by the Government under the provisions of section 10 of this Act have not been repaid.

Special
death
benefit.

10. As soon as possible after the end of each financial year the Board shall having considered the recommendation of the Manager, declare the maximum sum to be added to an entitled member's credit on his death for the purposes of section 37 of this Act, provided that the amount so declared shall be not less than twenty thousand shillings.

Advance
by
Government.

11. If the Fund is at any time unable to pay any sum which is required to be paid under the provisions of this Act, the sum required shall be advanced to the Fund by the Government and the Fund shall as soon as practicable repay to the Government the sums so advanced.

Expense.

12.(1) All expenses incurred in carrying this Act into effect and in connection with the administration of the Fund shall be paid out of the moneys of the Fund.

(2) For the purposes of this section, such expenses shall include such expenditure as the Board shall consider reasonable necessary or desirable for the benefit or credit of the Fund or the promotion of public or staff relations.

Accounts
and audit.

13.(1) The Board shall keep or cause to be kept proper accounts of the Fund and such accounts shall be audited annually by the Auditor-General.

(2) As soon as practicable after the end of each financial year, an account of the income and expenditure of the Fund, of contributions received and of withdrawals made and of interest credited to members of the Fund during the preceding financial year together with a statement of the assets and liabilities of the Fund and the report of the Auditor-General thereon, and also a report by the Chairman of the Board on the activities

of the Board during such financial year shall be laid before the House of Representatives.

PART IV

CONTRIBUTIONS TO THE FUND

Payments of
contributions.

14.(1) Every employer shall pay to the Fund in respect of each of his employees in every month, during which such employee is employed by him and in the month following the termination of such employment, contribution calculated upon the amount of wages payable to such employee by such employer for the preceding month at the appropriate rates set out in the Second Schedule:

Provided that -

- (a) if any month of his employment by an employer an employee is employed by that employer for a period of less than twelve days excluding Sundays and public holidays, that employer may at his option contribute in respect of that employee in the following month until such time as the Minister shall by notice in the Gazette declare that such contribution shall be mandatory;
- (b) in respect of an employee engaged in any prescribed employment, the Board may direct that payment of contributions in respect of him shall be made at intervals other than a month and, notwithstanding any other provisions of this Act, may direct the manner in which such contributions shall be calculated and paid, whereupon paragraph (a) of this section shall be deemed to be of no effect, and the Board may further direct that payment shall be made by some other person on behalf of and to the exclusion of the employer as defined in section 3 of this Act, whereupon such other person shall be deemed to be the employer for the purposes of subsection (2) of this section.

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(2) Notwithstanding the provisions of any Act or any contract to the contrary, an employer who pays a contribution in respect of any employee in accordance with the provisions of subsection (1) of this section shall be, entitled to recover from the wages of such employee, and not otherwise the portion of such contribution shown in the Second Schedule to be so recoverable:

Provided that no such portion may be recovered by the employer in any manner other than by deduction from the wages in respect of which the contribution is calculated at the time those wages are payable.

(3) Notwithstanding the provisions of any Act and without prejudice to the provisions of subsections (1) and (2) of this section any employer may, in any month, pay to the Fund contributions in respect of any of his employees at a rate in excess of the appropriate rate set out in the Second Schedule:

Provided that -

- (a) the total contributions paid in respect of any employee in any month shall exceed the appropriate rate set out in the Second Schedule by fourteen cents or a multiple of fourteen cents but shall not exceed thirty per cent of the salary payable to the employee in the preceding month;
- (b) notice of the payment of such voluntary contributions shall be given to the Board in such manner as may be prescribed.

(4) Notwithstanding any contract to the contrary, an employer shall not be entitled to recover in any way from any employee, in respect of contribution payable under the provisions of this Act, any sum in excess of that permitted to be recovered under the provisions of subsection (2) of this section.

Surcharge
on late
payment.

15. Where any contributions which an employer is liable to pay under the provisions of subsection (1) of section 14 or any amounts which such employer is required to pay under the provisions of subsection (1) of section 24 are not paid in the month during which they are due to be paid, the employer shall be liable to pay a surcharge on the total amount of all contributions not so paid to the Fund by him at the rate of two per cent in respect of each month or part of a month after the expiration of the earliest month during which any such contribution was due to be paid:

Provided that :-

- (i) if the amount of surcharge so calculated is less than five shillings the surcharge payable shall be five shillings; and
- (ii) if the amount of surcharge exceeds five shillings the surcharge payable shall be calculated to the next highest multiple of five shillings; and
- (iii) the Board may in any case in which it thinks fit remit in whole or in part the payment of any surcharge due under the provisions of this section.

Unpaid
contributions
deemed to
be paid in
certain
circumstances.

16. If any employer fails to pay any contribution which he is required to pay under the provisions of subsection (1) of section 14, or any amounts which such employer is required to pay under the provisions of subsection (1) of section 23, the Board may, if it is satisfied :-

- (a) that such failure was not due to the consent or connivance of the employee concerned; and
- (b) that there is no prospect of recovering the amount unpaid within a reasonable time,

credit to the employee the aggregate of the proportionate part of such contributions which would have been credited to his account as a member under the provisions of paragraph (b) of subsection (2) of section 19 had the employer paid such contributions and shall charge the amount so credited to the general revenues of the Fund:

Provided that :-

- (i) nothing in this section shall prejudice the right of the Board to recover the amount of such contributions together with any surcharge due under the provisions of section 15 from the employer and any amount so recovered shall be credited to the general revenues of the Fund;
- (ii) unless otherwise determined by the Board in any particular case, any amount credited to an employee under the provisions of this subsection shall be deemed to have been paid in respect of him on the date on which such credit is made.

Voluntary contributors.

17.(1) Any person not being an employee under the provisions of this Act nor a person described in subsection (2) of this section and being not less than sixteen nor more than twenty-five years of age, may, provided he gives notice to the Board in the prescribed manner, become a voluntary contributor to the Fund and contributions paid by such a voluntary contributor shall be dealt with under the provisions of section 19 of this Act as though he were an employee:

Provided that any member who, having been an employee and having had contributions paid in respect of him under the provisions of subsection (1) of section 14 in two successive contribution half-years, ceases to be an employee, may, provided that he gives

14/....

notice to the Board in the prescribed manner not more than six months after ceasing to be an employee, be entitled to become a voluntary contributor irrespective of age.

(2) The following classes of persons shall not be entitled to become voluntary contributors :-

- (a) members of permitted funds;
- (b) persons exempted under the provisions of section 30 of this Act or paragraph (a) of section 67 or paragraph 4 of the First Schedule of this Act;
- (c) persons who, having been members of the Fund, have withdrawn.

(3) A person becoming a voluntary contributor may commence payment of contributions not earlier than the half-year in which he gives notice to the Board in accordance with subsection (1) of this section:

Provided that no voluntary contributor may pay any contribution prior to the coming into force of section 10 of this Act.

Amount standing to credit of member.

18. The amount standing to the credit of a member of the Fund for the purposes of sections 32, 33 and 36 of this Act shall be a sum equal to the aggregate of all contributions made in respect of that member, less the aggregate of the sums referred to in paragraph (a) of subsection (2) of section 19 and all deductions made under subsection (3) of that section, and subject to the proviso to subsection (3) of section 19, such interest as may have been credited thereon to such member under the provisions of the said subsection.

PART V

ALLOCATION OF PAYMENTS INTO THE FUND

Contributions to be paid into the Fund and credited to members.

19.(1) All sums recovered or collected on account of contributions to the Fund under the provisions of this Act shall be paid into or carried to the Fund in such manner as the Board may direct.

(2) Sums due to the Fund under the provisions of section 14, 17 or 24 of this Act shall be credited :-

(a) as to one-seventh of their amount to the general revenues of the Fund for the purpose of financing the payment of annuities under orders made under the provisions of paragraph (b) of section 67 of this Act; and

(b) as to six-seventh of their amount to the account of the member in respect of whom they are paid.

(3) The Board shall cause to be credited to the account of each member of the Fund the amounts for which provision is made under paragraph

(b) of subsection (2) of this section during each financial year in his respect and upon the declaration by the Board under the provisions of section 9 of a rate of interest for the financial year, interest at that rate on the amount standing to his credit in the Fund at the commencement of such financial year in such manner as the Board may direct and deduct from the account of each entitled member the sum of twenty shillings or, if the amount standing to such member's account shall be less than twenty shillings, the amount so standing and such sums shall be carried to the general revenues of the Fund:

Provided that if such application is not made until more than six months after the date on which he attained the retirement age, contribution shall continue to be payable in respect of him and he shall not be entitled to withdraw until he shall have given to the Board six months' notice of his desire to withdraw, or such shorter period of notice as the Board may in any particular case accept.

(4) Any contract or agreement which provides that any person shall not give such a notice as is mentioned in the proviso to subsection (1) of this section shall be void and any contract or agreement which provides that any person apply for withdrawal from the Fund of any amount standing to his credit therein on or after attaining the retirement age shall be void.

Revenue
other than
contributions.

20. Subject to approval of the Minister, the Board may invest or establish other sources of revenues to the Fund and such sums shall be earned to the general revenues of the Fund.

17/....

PART VI

ELDERLY EMPLOYEES AND MEMBERS
EMPLOYED AFTER WITHDRAWAL

Re-employment
and Continuation
in
employment.

21. The Minister in consultation with the Board may by regulations made under this Act prepare a scheme to accommodate elderly employees re-employed after the retirement age or after withdrawal from the Fund.

PART VII

PERMITTED FUNDS AND EXEMPTIONS

Approval
of
permitted
funds.

22.(1) If the Board is satisfied that any employer has before the first day of July, 1990 established a provident fund or other scheme which provides for any of his employees pecuniary benefits of not less value than the benefits provided under this Act (hereinafter in this Act called a "permitted fund") the Board shall certify to that effect and thereupon such employer shall not be liable to contribute to the Fund under the provisions of subsection (1) of Section 14, in respect of the employment of any such employee who is a member of such permitted fund, so long as the employer shall contribute to the permitted fund in respect of the employee in accordance with the rule of such fund:

Provided that the Board shall not so certify in respect of any fund whose rules provide that a contributor shall, in any circumstances, forfeit any of his own contributions to such fund or any interest accrued thereon or any greater part of the employer's donation ~~then~~ the difference between the amount of such donation and one half of the amount which would have been standing to that contributor's credit in the Fund had contributions been payable thereto in respect of him under the provisions of this Act

during the period of his membership of such fund since the commencement of this Act.

(2) Any employer who desires the Board to certify a fund or scheme as a permitted fund under the provisions of subsection (1) of this section shall apply in the prescribed form, to the Board within six months of the commencement of this Act, and if the Board is satisfied then the application is bona fide it shall thereupon issue an interim certificate exempting the employer from the provisions of this Act in respect of members of such fund until such time as the Board shall have determined whether or not it is satisfied that the fund be approved, and if the Board shall not be so satisfied it shall so inform the employer whereupon the provisions of this Act shall apply to him in their entirety;

Provided that, notwithstanding the provisions of subsection (1) of section 14 of this Act, no contribution shall be payable to the Fund in the month in which the Board so informs the employer.

Revocation
of
approval.

23. If, at any time, the benefits provided by an employer under a permitted fund cease, in the opinion of the Board, to be as favourable as those provided under the Fund or if the Board is not satisfied with the management of any permitted fund, the Board may revoke any certificate given under the provisions of subsection (1) of section 22 of this Act, and thereupon the provisions of sections 24 and 27 of this Act shall apply as they would apply if such fund were wound up.

Transfer
of
credits to
the Fund.

24.(1) When any employee not having attained the retirement age leaves an employment in respect of which he was a member of a permitted fund or claims to have contributions paid in respect of him to a permitted fund for any reason other than his death, the employer concerned shall pay to the Board either:-

(a) the amount which would have been paid to the Fund had contribution been payable thereto in respect of such employee under the provisions of this Act during the period of his membership of that permitted fund since the commencement of this Act plus the interest in respect thereof that would have been credited to such employee had those contributions been paid at the time they would have been payable under this Act, or

(b) one half of this sum together with the amount standing to such employee's credit in the permitted fund which represents such employee's contribution thereto since the commencement of this Act, with interest thereon,

whichever is the greater. Such payment shall be made within one month of the employee ceasing to be a member of such permitted fund or within such further period as the Board may in any particular case allow.

(2) Nothing in subsection (1) of this section contained shall prevent the transfer to the Fund, in the circumstances in which that subsection would require the transfer of any amount to the Fund by agreement between the employer and employee, of any amount standing to the credit of such employee in a permitted fund larger than is otherwise required to be transferred by the provisions of this section, or of any amount contributed to such fund before the commencement of this Act, and the interest thereon.

(3) Where an employee transfers from employment in Zanzibar with an employer by whom a permitted fund has been established to employment outside Zanzibar with the same employer such employee shall not be deemed to have ceased to contribute to a permitted fund.

Permitted
funds and
insurance
policies.

25.(1) Where the rules of any permitted fund provide for an employee leaving the service of an employer who has established such permitted fund to receive any policy of insurance on his life purchased by his own or his employer's contributions to such permitted fund, the employee may, by giving notice to his employer and the Board of intention to do so within 14 days of leaving such service as aforesaid, receive in his own right such policy of insurance and shall, notwithstanding any provision of such policy, always be deemed to be the person whose life is insured thereunder.

(2)(a) The amount to be paid to the Board by an employer under the provisions of section 24 of this Act shall be abated by the cash surrender value of any policy received by an employee under the provisions of subsection (1) of this section.

(b) For the purpose of calculating the surrender value specified in paragraph (a), the employer shall deliver annually to each member of the permitted fund and to the Board, such particulars as the Board may require of any policy in force upon the life of such member.

(3) Notwithstanding the provisions of any other Act or the provisions of any policy, no insurance policy received by any person in accordance with the provisions of subsection (1) of this section shall be assigned, mortgaged, pledged, transferred or surrendered prior to his date of entitlement.

transfer of
credits to
permitted
fund.

26. Where an employee, who is in an employment in respect of which a permitted fund has been established, is precluded by the rule of that permitted fund from contributing thereto during a specified period of probation not exceeding one year, any sum standing to such employee's credit in the Fund which represents contributions to the Fund in respect of the period of probation together with any interest thereon shall, if such employee becomes a member of that permitted fund on the expiry of such period of probation, be transferred to the permitted fund and placed to the credit of the employee therein if the rules of the permitted fund so provide.

inding
to
permitted
funds.

27. Notwithstanding the provisions of section 24 of this Act, where a permitted fund is wound up the Board may, if it considers it desirable in the interests of employees so to do, accept in their entirety the assets and liabilities of such permitted fund at such date as is agreed and may place to the credit of each member of such fund, in the Funds, a sum equal to six-sevenths of the amount standing to his credit in the permitted fund on that date.

ate of
receipt by
fund of sums
out of
permitted
funds.

28. Contributions paid to a permitted fund shall not be deemed for any purposes connected with this Act to have been paid to the Fund at any date earlier than the date on which, under the provisions of either section 24 or section 27 of this Act, they are received by the Fund.

rules and
accounts
of funds.

29. An employer who has established a permitted fund shall:-

- (a) furnish the Board with such accounts in respect of such permitted fund, duly certified by an a accountant approved by the Board, as the Board may require;
- (b) comply with the rules of such permitted fund and pay such contributions and donations into such fund within such period as the rules of such fund shall require;
- (c) inform the Board of any proposed emendment to the rule of such permitted fund and shall not effect any such amendment except with the written consent of the Board; and
- (d) furnish such returns to the Board as the Board may prescribe concerning employees who are member of, or who have ceased to contribute to such permitted fund.

Exemptions.

30. If the Board is satisfisfied on the application of an employee and his employer that:-

- (a) the employee is employed by an employer, whose principal registered office is outside Zanzibar, under a contract of employment entered into outside in Zanzibar; and
- (b) the employee will be entitled under a scheme established outside Zanzibar, to benefit on retirement which are, in the opinion of the Board, adequate in the circumstances; and

(c) the employee is not a Zanzibari, it may issue to such an employee a certificate of exemption and he shall thereupon be deemed not to be an employee for the purposes of this Act in respect of employment by that employer during such time as paragraphs (a), (b) and (c) of this section continue

to be applicable to him.

PART VIII

WITHDRAWAL OF CONTRIBUTIONS

Withdrawal
be
proved
Board.

31. No amount standing to the credit of a member of the Fund may be withdrawn from the Fund except with the authority of the Board and such authority shall not be given before the date of entitlement of the member of the Fund.

Withdrawal
otherwise
than upon
death.

32. The Board shall after the date of entitlement of any member of the Fund otherwise than upon his death, and upon his application or upon an application made on his behalf by a committee appointed under the provisions of the Mental Patients Decree, pay to the applicant the amount standing to the credit of such member in the Fund.

Withdrawal
of
nominee.

33. The Board shall after the death of any member of the Fund and upon the application of a person nominated under the provisions of section 35 of this Act pay to the applicant such part of the sum standing to the credit of such member as shall have been set out in the memorandum executed in accordance with that section.

Evidence,

34. All applications for withdrawal shall be supported by such evidence as may be prescribed and by such further evidence as the Board may reasonably require.

Nomination.

35. Any employee or member of the Fund may by a memorandum executed in the prescribed manner nominate a person or persons to receive in his or their own right such portions of the amount payable out of the Fund under the provisions of section 33 of this Act on his death as such memorandum shall

indicate, and any employee who does not nominate such a person may be required by the Board to declare in writing that he does not desire to do so:

Provided that the subsequent marriage of a nominator shall render any nomination made by him voidable.

Procedure where there is no nominee or a minor nominee.

36.(1) If, at the time of the death of any member of the Fund, there is no person nominated under the provisions of section 35, of this Act the amount standing to the member's credit in the Fund shall be paid into Court for disposal in accordance with the law for the time being in force.

(2) If any person nominated, other than a widow, shall be under the age of eighteen years at the time of payment of the Fund, his portion of the amount payable shall be paid to the Public Trustee for the benefit of such nominated person.

Payment of special death benefit.

37.(1) On the death of an entitled member after the 1st day of January, 1991, the amount standing to his credit in the Fund shall be increased by such proportion of the maximum sum as may be prescribed in accordance with subsection (2) of this section and the amount of such increase shall be paid from the general revenues of the Fund.

(2) The amount to be added to the deceased member's credit for the purpose of subsection (1) of this section shall be related to the member's period of membership of the Fund and to the number and amount of contributions paid on his behalf and standing to his credit in such manner as may be prescribed.

(3) The amount payable under subsection (1) of this section shall not be taken into consideration in the assessment of compensation or damages payable to the dependants or beneficiaries of the deceased member under the provisions of the Workmen's Compensation Act, No. 15 of 1986.

PART IX

TRANSFERS TO BUILDING SOCIETIES

application.

38. The provisions of this part shall apply only to a member of the Fund who has secured a housing loan from a building society, approved by the Board for the purpose of this Act.

transfer
from
members
account
to building
society.

39. Notwithstanding any other provisions of this Act or any other written law, it shall be lawful for the Board upon the application of an approved building society and any member of the Fund to whom the provisions of section 38 of this Act applies to transfer to the building society from the account of such member a sum not exceeding the amount standing to the credit of such member on the 1st day of January or the 1st day of July last preceding the date of such application.

application
by building
society of
sum transferred.

40. Any sum transferred under the provisions of section 39 of this Act shall be applied by a building society to reduce the capital amount of any loan made by the building society to the member in such manner as either to reduce the period for which such loan shall have been granted or to reduce the amount of the repayment instalments on such loan which would, but for such transfer, be payable by the member to the building society.

Saving.

41. On the making of any transfer under the provisions of section 39 of this Act, the amount standing to the credit of the member in respect of whom the transfer is made shall be reduced by the amount of the sum transferred but such member shall not be deemed, in respect of such transfer only, to have transferred the amount standing to his credit within the meaning of:-

- (a) the definition of "entitled member" in section 2;
- (b) paragraph (c) of subsection (2) of section 17; or
- (c) any provision of section 21.

Transfer
back
to
Fund.

42. A building society shall enter into an agreement with any person in respect of whom a transfer under the provisions of section 39 of this Act has been made to provide for the repayment of the amount so transferred and the building society shall transfer back to the Fund the sums repaid under such agreement and the sums transferred back to the Fund shall, notwithstanding any other provisions of this Act, be posted, without deduction, to the account of the member concerned as though they were contributions paid in respect of the half-years in which such amounts are received by the Fund.

Limitation
on
transfers.

43. If any transfer shall have been made from the account of any member under the provisions of section 39 of this Act, no further such transfer shall again be made from the account of that member.

PART X

PROTECTION OF SUMS CONTRIBUTED AND WITHDRAWN

Member's
credit
not
subject
to
sequestra-
tion.

44.(1) Notwithstanding the provisions of any other written law but subject to the provisions of subsection (2) of this section, no contribution to the Fund, nor any amount standing to the credit of a member in the Fund nor interest on any such contribution or amount, nor

withdrawals made by the authority of the Board from the Fund under the provisions of section 32, 33, or 36 of this Act, nor the rights of any member of the Fund acquired under this Act, nor the right to receive any annuity under the provision of paragraph (b) of section 68 of this Act, shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever.

(2) Notwithstanding the provisions of any other written law, all moneys paid out of the Fund on the death of any member of the Fund shall be deemed to be impressed with a trust in favour of a person or persons as shall be determined by the court in accordance with the provisions of sub-section (1) of section 36.

45. Notwithstanding the provisions of any other written law, the Minister may authorize the Board to make payment of any sum due as a withdrawal or the payment of any annuity payable under this Act to a member of the Fund in any country in which that member is resident at the time when such payment becomes due.

46. For the purpose of any written law, any payment in respect of an annuity payable under any order made under the provisions of paragraph (b) of section 68 of this Act, shall be deemed to be a sum withdrawn from the Fund and shall be exempt from any tax or levy imposed by any written law.

47. The bankruptcy of an employee shall not affect the payment of contributions from the wages of the employee in accordance with the provisions of this Act, but such payments shall continue to be made notwithstanding the provisions of any other Act and the portion of wages so paid shall be deemed not to form part of his acquired property.

Authority
of Board
to make
payments
abroad.

Payments
under
annuities
deemed to
be sums
with drawn
from the
fund.

Bankruptcy
of
employee.

bankruptcy,
liquidation
etc. of
employer.

48.(1) Where any trustee in bankruptcy, assignee, liquidator, receiver, personal representatives or other such person is dealing with the property business or estate of any employer who has failed to pay any contributions payable by the employer under the provisions of this Act, such person shall pay such contributions in such manner as may be determined by the Board before making any distribution of such property business or estate.

(2) Any trustee in bankruptcy, assignee, personal representative or other such person shall, before distributing any assets under his control obtain from the Manager of the Fund a Certificate to the effect that all contributions payable under the provisions of this Act by such person out of any estate under his control have been paid.

(3) If any distribution is made by any trustee in bankruptcy, assignee, personal representative or other such person without first obtaining a certificate under the provisions of subsection (2) of this section, then such person shall be personally liable for any unpaid contributions together with any surcharge payable under the provisions of section 15 of this Act.

Secrecy.

49. Notwithstanding the provisions of any other Act, the Board shall not be required to divulge, save to the member, or if the member is dead, to his nominee, any matter relating to the amount standing to the credit of a member of the Fund, nor any particulars of such member or of any employer save with the consent of such member or employer.

Provided that nothing in this section shall prevent the Board or its officers from giving evidence relating to any such matter in any criminal proceedings.

PART XI
OFFENCES, PENALTIES AND PROCEEDINGS

Offences
and
penalties.

50.(1) If any person:-

- (a) for any purpose connected with this Act:-
 - (i) knowingly makes any false statement; or
 - (ii) produces or furnishes or causes or knowingly allows to be produced or furnished any document which he knows to be false in a material particular;
- (b) fails to pay to the Fund in any month any amount which, under the provisions of subsection (1) of section 14 of this Act, he is liable to pay in that month;
- (c) obstructs any officer or servant of the Board in the discharge of his functions as such;
- (d) fails to comply with any requirement of section 29 of this Act;
- (e) fails to transfer to the Fund any sum which he is required to transfer to it by the provisions of subsection (1) of section 24 of this Act, within such time as he is required by that section so to transfer it;
- (f) fails to pay to the Board within such period as may be prescribed any surcharge which he is liable to pay under the provisions of section 15 of this Act;
- (g) being or ever having been a member, officer, servant or agent of the Board directly or indirectly communicates or reveals to any person any matter relating to the business of the Board which shall become known to him in his capacity as member, officer, servant or agent, except as may be required for the due discharge of his duties as such member, officer, servant or agent, or as may be permitted by the Board;

(h) procures any member, officer, servant or agent of the Board or any person who had ever been such member, officer servant or agent to communicate or reveal any such matter as is set out in paragraph (g) of this section;

(i) prior to his date of entitlement, assigns, mortgages, pledges, transfers, surrenders any policy of insurance received by him under the provisions of subsection (1) of section 25 of this Act;

(j) fails to pay any contribution or surcharge which he is required to pay under the provisions of section 48 of this Act;

(k) fails to produce at the times specified, any document required to be produced by notice in writing under the provisions of paragraph (c) of section 62 of this Act;

he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) If any person:-

(a) makes in respect of any contributions any deductions in any manner other than by deduction from the wages in respect of which such contributions are calculated or at time other than the time at which such wages are payable;

(b) deducts from the wages of any employee any sum greater than that permitted to be recovered under the provisions of this Act; or

(c) having made any deductions fails to pay to the Fund in the months in which they are due the contributions in respect of which such deductions have been made,

he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) Notwithstanding the provisions of any other Act, proceedings may be taken for any offence under this Act within three years of the date of commission of such offence.

notice of
unpaid
contributions.

51. If notice of intention so to do is served by the prosecuting office upon the defendant, evidence may be given, at any trial for an offence under the provisions of paragraph (b) of subsection (1) of section 50 of this Act, of other contributions unpaid at the date of the service of the summons upon the defendant, in respect of other employees, in the form of a certificate under the hand of the Manager and, if the defendant is convicted of such offence, the court by which he is so convicted may without prejudice to any right under the provisions of section 57 of this Act, order defendant to pay to the Fund the amount of such unpaid contributions, together with any contribution unpaid at the date of trial in respect of the charge upon which the defendant has been convicted, and the provisions of the Penal Decree relating to fines shall apply to any such contributions or any portion thereof so ordered to be paid.

Further
powers of
court.

52. Where any person is convicted under the provisions of paragraph (e), (f) or (j) of subsection (1) of section 50 of this Act of failure to make

any transfer or to pay any surcharge, the court by which he is so convicted may, without prejudice to the provisions of section 57 of this Act, order the defendant to pay to the Fund the amount required to be transferred or to be transferred or to be paid as a surcharge in the same way as is provided in relation to the payment of contributions under the provisions of section 51 of this Act.

Liability of
officers of
corporations.

53. Where an offence under this Act has been committed by a body corporate, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the body corporate, firm, society or other body of persons or was purporting to act in such capacity shall, as well as such body corporate, firm, society or other body or persons, be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Repayment
to employee
of illegal
deduction.

54. Where it is shown to the satisfaction of any court, on conviction for any offence under this Act, that any employer has made any deduction or recovered any money from any employee in respect of any contributions otherwise than in accordance with the provisions of this Act the Court may order such employer to repay to any employee in respect of whom such illegal deductions or recoveries.

Prosecutions.

55. Prosecutions in respect of any offences under this Act may be instituted by the Manager, or by any officer, servant or agent of the Board authorised in writing in that behalf by the Manager, and the Manager or any such authorised officer, servant or agent may conduct any such prosecutions whether or not he was the person who made the complaint to institute the proceedings.

Evidence
in Proceedings.

56. In any criminal or civil legal proceedings under the provisions of this Act, a copy of an entry in the records or accounts of the Fund duly certified under the hand of the Manager shall be prima facie evidence of such entry having been made and of the truth of the contents thereof, and a certificate under the hand of the Manager that there is no entry shall be prima facie evidence that no entry has been made.

Civil
Proceedings.

57. (1) All contributions payable under the provisions of this Act may, without prejudice to any other remedy, be recoverable by the Board as a debt due.

(2) Proceedings for the recovery as civil debts of any contribution may, notwithstanding anything in any other Act to the contrary, be brought at any time within six years from the date when the contribution becomes due.

(3) Proceedings for the recovery as civil debts of contributions may be instituted by the Manager, or by any officer, servant or agent of the Board authorised in writing in that behalf by the Manager, and the Manager or any such authorised officer, servant or agent may conduct any such proceedings whether or not he was the person who instituted the proceedings.

(4) In this section the word "contribution" shall be deemed to include any surcharge under the provisions of section 15 of this Act.

Loss of benefit through default of employer.

58. If as a consequence of a failure by an employer to pay any contribution at the time when such contribution is due, any benefit under the provisions of this Act which would have been payable to any person if such failure had not occurred is not payable, such employer shall, if convicted in any court of failure to pay such contribution at the time it was due, be liable to pay to the Fund the amount of benefits which would have been payable had the contribution been paid at the due time.

Proceedings.

59. Any sum which an employer shall be liable to pay under the provisions of section 58 of this Act, shall be recoverable by the Board as a debt due and proceedings for the recovery of such a debt may be instituted by any of the persons authorised to institute proceedings under the provisions of subsection (3) of section 57 of this Act.

Application of sums recovered by Board.

60. Any sum recovered by the Board under the provisions of sections 58 or 59 of this Act, shall be paid by the Board to the person or persons who would, but for the offence of which the employer has been convicted, have been entitled to receive it under any of the provisions of this Act and, for the purposes of section 44 of this Act such payment shall be deemed to be a withdrawal from the Fund.

Certificate by Manager.

61. In any proceedings instituted under the provisions of section 59 of this Act, a certificate under the hand of the Manager as to the amount of benefit which would have been payable had the offence in respect of which any employer has been convicted not been committed shall be prima facie evidence of the nature and amount of the debt due.

PART XII
POWERS OF INSPECTORS AND OFFICERS
OF THE FUND

wers of
spectors.

62. An inspector appointed under the provisions of subsection (3) of Section 6 of this Act may at any reasonable time:-

- (a) enter any premises or place where persons are believed to be engaged as employees;
- (b) make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or place;
- (c) require the production of any document which an employer is required to keep under the provisions of this Act or of the Employment Act, or any document relating to a contract or the conditions of service existing between an employer and his employee or employees and, for this purpose, may by notice in writing served on an employer either in accordance with the provisions of subsection (6) of section 3 of the Interpretation Act or in any case by sending it by registered post to an employer's address, requires such production at any place reasonably accessible to such employer on a date and at a time specified in such notice provided that the date so specified shall not be less than twenty-one days from the date of service of such notice and the notice shall be deemed to have been served upon the employer when the notice would arrive at the nearest post office;

- (d) examine either alone or in the presence of any other person, with respect to any matters under this Act on which he may reasonably require information, every person whom he has reason to believe can give information respecting the subject matter of the inquiry, and require such person to be examined and for the purposes of such examination may summon any such person to attend at the time and place specified in such summons.

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fficers
of the
nd.

63. An inspector, or any person appointed under the provisions of section 6 of this Act and so authorised in writing by the Manager, may make such examination and inquiry as may be necessary for ascertaining the truth of any statement made for the purpose of establishing the date of entitlement of any member of the Fund and may, for that purpose:-

- (a) examine either alone or in the presence of any other person, with respect to any matters under this Act on which he may reasonably require information, every person whom he has reason to believe can give information respecting the subject matter of the inquiry, and require every such person to be examined, and for the purposes of such examination may summon any such person to attend at the time and place specified in such summons;
- (b) require any person who makes any such statement to sign a declaration as to its truth.

PART XIII

GENERAL PROVISIONS

lication
or loan by
member.

64. A member of the Fund may upon an application made to the Board apply for a loan or an advance from the Fund for the purchase of movable or immovable property:

Provided that where a loan or an advance applied for and approved, such loan or advance shall be made not later than one month from the date on which the application was made.

Payment to be made within six months.

65. Any payment made in favour of a member of the Fund or upon the death of such member to his dependants and beneficiaries when such payment becomes due shall be paid within six months from the date when such payment becomes due or on such date the death occurred.

offence and penalty.

66.(1) Any officer who delays any payment made under section 65 of this Act commits an offence.

(2) An offence committed by officer shall be deemed to have been committed by the Fund and shall on conviction, the Fund be liable to a fine of ten per centum (10%) of the sum entitled to a member or his beneficiaries and delayed for each month delayed or part thereof to be paid to a member or his beneficiaries from the funds of the Fund.

(3) Any officer who commits offence under this section shall be dealt with under the provisions of the Security of Employment Act.

PART XIV

REGULATIONS

regulations.

67. The Minister may make regulations for any purpose of which regulations may be made under the provisions of this Act and for prescribing anything which may be prescribed thereunder and otherwise for the purpose of carrying this Act into effect, and, in particular, but without prejudice to the generality of the foregoing may make regulations with respect to any of the following matters:-

- (a) to provide for the registration of employers and employees in anticipation of the coming into force of any of the provisions of this Act;
- (b) to provide for the manner of payment and collection of contribution and any matters incidental thereto;
- (c) to provide for the disposal of amounts which are unclaimed, unpaid or otherwise remain in the Fund;
- (d) to provide for:-
 - (i) the return of contributions under the provisions of this Act, or any part of such contributions, paid in error;
 - (ii) the payment of contributions under the provisions of this Act, or of any part of such contributions, omitted to be paid in error;
- (e) to provide for the keeping of books, accounts or records by employers;
- (f) to provide for the appointment of medical boards for the purposes of paragraph (c) of the definition of "date of entitlement" in section 3 of this Act and for such other purposes as may be prescribed;
- (g) to prescribe the procedure for the withdrawal of amounts from the Fund;
- (h) to prescribe the evidence to be produced and the person, officer or authority to whom such evidence is to be produced for the purposes of section 34 of this Act;

- (i) to prescribe the procedure to be followed when contributions are paid by an employer into the Fund;
- (j) to prescribe the form and period of any notice to be given by an employee to his employer under the provisions of paragraph (a) of subsection (3) of section 14 of this Act;
- (k) to prescribe the procedure to be followed when any voluntary contribution is paid to the Fund;
- (l) to prescribe the returns to be made by employers, and the forms and registers to be used, in carrying out the provisions of this Act;
- (m) to prescribe the amount, frequency of payment and duration of any annuity payable under the provisions of paragraph (b) of section 65 of this Act.

PART XV.
POWERS OF THE MINISTER

68. The Minister may, in addition to any other powers conferred by the provisions of this Act, after consulting the Board:-

- (a) exempt by order any person or class of persons from all or any of the provisions of this Act;
- (b) provide by order that, notwithstanding the provisions of sections 32, 33, 36 and 37 of this Act, any person or class of persons, entitled under the provisions of those sections to receive the whole or part of the amount standing to the credit of a

ptions
ilities.

member in the Fund may receive, in place of all or part of any sum due to them, an annuity based upon that sum or part thereof.

reciprocal
agreement.

69.(1) The Minister after consulting the Board may enter into a reciprocal agreement with the government of any other country or territory in which a fund similar to the Fund has been established and such agreements may provide, amongst other matters that:-

(a) any period or work for an employer in that country or territory shall be treated as a period of work in Zanzibar for that employer for the purpose of the definition of "employee" contained in sections 3 of this Act; and

(b) subject to such conditions as may be laid down in the reciprocal agreement, any amount standing to the credit of any member of the Fund who works for any employer in that country or territory may be transferred to his credit in such fund, and any amount standing to the credit in such fund of any person who becomes a member of the Fund may be transferred to his credit in the Fund

and if any such reciprocal agreement containing such provisions shall be entered into, the definition of "employee" contained in section 3 of this Act, shall be deemed to be modified accordingly, so however that no person shall be required to contribute to the Fund in respect of any period during which he did not work in Zanzibar and no employer shall be required to contribute in respect of any such employee during such period and the transfer by the Board of credits to and from the Fund in such manner shall be permitted.

(2) Any reciprocal agreement made under the provisions of subsection (1) of this section, shall be published in the Gazette and shall come into force on the date of such publication or on such later date as may be provided in the agreement.

FIRST SCHEDULE

EXEMPTIONS

(Section 2)

1. Any domestic servant or child as defined in the ~~Employment Act.~~ Employment Act.
2. Any outworker as defined in the Workmen's Compensation Act.
3. Any person detained in any prison, approved school, mental hospital or leper asylum.
4. Any person who is a member of a Provident Fund established by the provisions of any other Act.
5. Any person who has re-entered the Fund under the provisions of paragraph (iii) of the proviso to subsection (1) of section 21 and subsequently withdrawn the amount standing to his credit in the Fund.

SECOND SCHEDULE

RATES OF CONTRIBUTION

(Section 12)

The monthly contribution by an employer under the provisions of sub-section (1) of section 14 shall be fifteen percent of the wages of the employee for the preceding month, and the amount which may be recovered by the employer under the provisions of sub-section (2) of such section from the employee's wages for the preceding month shall be five percent of such wages:

Provided that where in any month the rate of wages payable to an employee does not exceed thirty cents per hour, no sum shall be recoverable by an employer from the employee's wages for that month.

Passed in the House of Representatives
on the 30th day of March, 1990.

Khande

KHAMIS JUMA CHANDE
CLERK TO THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.

SHERIA NAM. 7 YA 1990

NIMEKUBALI

SD. IDRIS ABDUL WAKIL

IDRIS ABDUL WAKIL
RAIS WA ZANZIBAR
NA
MWENYEKITI WA BARAZA LA MAPINDUZI.

22 OKTOBA
....., 1990

SHERIA YA KUENZISHA MFUKO WA TAIFA WA AKIBA
YA UZEENI WA ZANZIBAR NA MAMBO MENGINE
YANAYOHUSIANA NA HAYO.

IMETUNGWA na Baraza la Wawakilishi la Zanzibar.

SEHEMU YA KWANZA

Has fupi na
tarehe ya
anza
utumika.

1. Sheria hii itajulikana kama Sheria ya
Mfuko wa Taifa wa Akiba ya Uzeeni Zanzibar ya mwaka
1990 na itanza kutumika tarehe ambayo Waziri
ataitangaza katika Gazeti Rasmi la Serikali.

utumizi
a Sheria.

2. Sheria hii itatumika kwa waajiriwa wote
isipokuwa wale waliosamehewa kama ilivyoelezwa katika
Jadwali ya kwanza ya Sheria hii.

Mafanuzi.

3. Katika Sheria hii, ila kama maelezo
yatahitaji vyenginevyo -

"Kiwango cha mshahara kwa mwezi" ina maana -

- (a) kwa mfanyakazi anayelipwa kwa kila mwezi
au kwa kipindi kirefu zaidi ya mwezi
basi itakua ni kima cha mshahara anacho-
stahiki kupata kwa mwezi.
- (b) kwa mfanyakazi mwengine yeyote itakuwa
ni mkufanyiko wa kima cha mshahara anacho-
stahiki kupata kwa mwezi huo. Mradi tu

katika kufanya hesabu ya kiasi cha mshahara wa kulipwa katika wakati wowote, senti hazitohesabiwa isipokuwa pale tu ambapo kima cha mshahara wote ni kasoro ya shilingi, senti hizo za malipo zitachukuliwa kama ni shilingi kamili.

"Bodi" ina maana ya Bodi ya Mfuko wa Taifa wa Akiba ya Uzeeni Zanzibar itayoanzishwa chini ya kijifungu cha (1) cha kifungu cha 4.

"Katiba" ina maana ya Katiba ya Zanzibar ya 1984.

"Mchango" ina maana kima chochote kitakacholipwa kwa Mfuko chini ya kifungu cha 14, 17, 24, 27, 48, 51, 52 na 57.

"Tarehe ya kustahiki malipo" ina maana ya siku ambayo itathibitishwa na kukubaliwa na Bodi kwamba mwanachama huyo -

- (a) amefika umri wa kustaafu kwa mujibu wa Sheria ya Pencheni; au
- (b) amefariki; au
- (c) ameathirika kimwili na kiakili kiasi cha kutoweza kuendelea na kazi nyengine yoyote ya ajira; au
- (d) anaondoka au ameshaondoka Zanzibar akiwa hana nia ya kurejea; au
- (e) kama ni mwanamke, anamfuata mumewe nje ya Zanzibar.

"Tarehe ya kujiunga" kwa kila mwanachama wa Mfuko, ina maana siku ya mwanzo ya mwezi ambayo mchango wake wa mwanzo utakuwa umelipwa katika Mfuko;

"muajiriwa" ina maana mtu yeyote, ukiondoa wa aina yoyote iliyotajwa kwenye Jadweli ya Kwanza au aliyeruhusika kwa mujibu wa amri iliyofanywa chini ya masharti ya kijifungu (a) cha kifungu

cha 65 au chini ya masharti ya kifungu cha 30, ambae -

- (a) ameajiriwa Zanzibar chini ya mkataba wa kazi, mafunzo ya amali au wa kupatiwa taaluma, uwe wa kimaandishi au wa mdomo, au uwe wa kimaelezo au wa dhana ya kuchukulia tu;
- (b) akiwapo Zanzibar yupo chini ya mkataba wa kazi za kibarua ambao ameuingia ama kibinafsi au akiwa ni mmoja katika kikundi cha watu; au
- (c) akiwa ni Mzanzibari, ameajiriwa kama ilivyo-elezwa kwenye maelezo ya kijifungu (a) au (b) nje ya Zanzibar na muajiri ambae ana sehemu ya kazi au ofisi Zanzibar; au
- (d) akiwa ni Mzanzibari, ameajiriwa chini ya makataba uliofanywa Zanzibar, kama nahodha (Master) au baharia katika chombo chochote cha usafiri wa baharini au kama kepteni au mfanyakazi katika chombo cha usafiri wa **anigani** (ndege) ambacho wamilikaji wake wana sehemu ya kazi au ofisi Zanzibar; au
- (e) ametangazwa rasmi na Waziri katika Gazeti kuwa ni mfanyakazi wa Serikali kwa madhumuni ya Sheria hii, au
- (f) ni mwanachama wa chama cha ushirika ambae ameajiriwa na ushirika huo.

"muajiri" ina maana -

- (a) kuhusiana na mwajiriwa yeyote kama ilivyo-elezwa kwenye kifungu (a) cha maana ya "muajiriwa", mtu ambae ameingia katika mkataba na mwajiriwa huyo, wa kazi, mafunzo ya amali au wa kumpatia taaluma; au

- (b) kuhusiana na mwajiriwa yeyote kama ilivyoielezwa kwenye kifungu (b) cha maana ya "Muajiriwa", mtu ambae ameingia katika mkataba wa kazi za kibarua na mwajiriwa huyo; au
- (v) kuhusiana na mwajiriwa yeyote kama ilivyoielezwa kwenye kifungu (c) cha maana ya "muajiriwa", Serikalini au muajiri mwenye sehemu ya kazi au ofisi ya Zanzibar; au
- (d) kuhusiana na mwajiriwa yeyote kama ilivyoielezwa kwenye kifungu (d) cha maana ya "muajiriwa" mmilikaji wa chombo kilichoelezwa cha usafiri wa bahari au wa anga ambacho mwajiriwa huyo anafanya kazi; au
- (e) kuhusiana na mwajiriwa yeyote kama ilivyoielezwa kwenye kifungu (e) cha maana ya "mwajiriwa", Serikali; au
- (f) kuhusiana na mwajiriwa yeyote kama ilivyoielezwa kwenye kifungu (f) cha maana ya "muajiriwa", chama cha ushirika ambacho ameajiriwa.

"mwanachama mstahiki" ina maana mwanachama ambae hakujiunga tena na Mfuko baada ya kuchukua fedha yake kutokana na kutimiza lolote kati ya masharti yaliyotajwa kwenye kifungu (a) au (c) cha maana ya "tarehe ya kustahiki malipo";

"mwaka wa fedh" ina maana kipindi kuanzia siku ya mwanzo ya mwezi wa Julai wa kila mwaka na kinachomalizia tarehe thelathini ya mwezi wa Juni wa mwaka unaofatia;

"Mfuko" ina maana mfuko ulioanzishwa chini ya masharti ya kifungu cha 8.

"Mkopo wa nyumba" ina maana mkopo wa nyumba au wa kujengea nyumba uliokubaliwa na Waziri kwa maandishi;

"Meneja" ina maana Meneja Mkuu aliyeteuliwa na Rais chini ya masharti ya kijifungu cha (1) cha kifungu cha 6;

"kima cha juu" ina maana kima kilichotangazwa na Bodi chini ya masharti ya kifungu cha 10;

"mwanachama wa mfuko" au "mwanachama" ina maana ya mtu yeyote ambaye kuhusiana nae au kwa ajili yake, mchango umelipwa kwenye Mfuko;

"Waziri" ina maana Waziri anaehusika na kazi;

"mtu aliyeteuliwa" au "mteuliwa" ina maana mtu aliye teuliwa na mwanachama wa Mfuko kwa mujibu wa masharti ya kifungu cha 35, kupokea malipo yote au sehemu ya malipo ya mwanachama huyo ikiwa atakufa;

"mfuko ulioruhusiwa" ina maana mfuko wa akiba au utaratibu mwingine utaotangazwa na Bodi kuwa ni mfuko ulioruhusiwa chini ya masharti ya kijifungu cha (1) cha kifungu cha 22;

"mchangiaji wa hiari" ina maana mtu ambaye atajiunga na Mfuko chini ya masharti ya kifungu cha 17;

"mshahara" ina maana ya malipo yote ambayo yangestahiki kulipwa muajiriwa kwa fedha chini ya mkataba wake bila ya kuhesabu mkato wowote unaofanywa kutokana na malipo hayo, ama iwe chini ya sheria inayoruhusu kufanywa mkataba huo au vyenginevyo na ama iwe inakubaliwa kwamba malipo hayo yafanywe kwa mwezi, wiki, siku au vyenginevyo;

Isipokuwa yafuatayo hayatajaaliwa kuwa ni mshahara -

- (a) malipo ambayo yanafanywa na muajiri kwa muajiriwa ili kumlipa kiasi cha fedha ambacho muajiriwa ilimlazimu akitumie kwa niaba ya muajiri wake, kwa ajili ya uajiri wake;

- (b) malipo yaliyolipwa na Serikali kwa mtumishi wa Serikali alieajiriwa kwa mpango wa msaada kutoka nje.

SEHEMU YA PILI

MUUNDO, UWEZO NA KAZI ZA BODI.

Inaanzishwa kwa Bodi na muundo wake.

4. (1) Inaanzishwa Bodi itayojulikana Bodi ya Mfuko wa Taifa ya Akiba ya Uzeeni wa Zanzibar yenye -

- (a) Mwenyekiti ambae atateuliwa na Rais;
- (b) Watu wawili wenye kushikilia nyadhifa chini ya Katibu, ambae watateuliwa na Waziri;
- (c) Wawakilishi wawili wa waajiri na ambae hawashikilia nyadhifa chini ya Katiba au Sheria yeyote, ambae watateuliwa na Waziri; na
- (d) Wawakilishi wawili wa waajiriwa ambae watateuliwa na Waziri, baada ya mashauriano na Jumuiya ya Wafanyakazi Tanzania;
- (e) Meneja ambae atakuwa Katibu wa Bodi.

(2) Wajumbe wa Bodi wanaweza kuteuliwa kushika nafasi zao kwa muda wa miaka mitano au muda wowote kasoro ya huo kama Waziri atavyoona inafaa, lakini hakuna chochote chini ya kijifungu hiki kitachomzuia Waziri kumteua tena mjumbe yeyote wa Bodi baada ya muda wake wa kushika nafasi hiyo kumalizika.

(3) Mjumbe yeyote wa Bodi na kila mtu aliye-teuliwa na Bodi chini ya kijifungu cha (1) cha kifungu cha 6 cha Sheria hii atajaaliwa kama ni mtumishi wa Serikali kuhusiana na Sheria ya Adhabu.

(4) Mjumbe wa Bodi hatoruhusiwa kutoa habari yoyote kwa mtu yeyote kuhusiana na chochote ambacho kipo chini ya madaraka yake au amekijua kutokana na kuwa kwake mjumbe isipokuwa kama itabidi hivyo akiwa katika kutekeleza majukumu yake kama mjumbe.

(5) Wajumbe wa Bodi watalipwa marupurupu kama vile gharama za usafiri pamoja na mahitaji ya lazima, kama itavyowekwa na Bodi na kukubaliwa na Waziri.

(6) Ili kikao kiwe halali na kilichotimia, kutahitajika angalau wajumbe watatu kuhudhuria.

(7) Bodi itakuwa na uwezo wa kufanya kanuni za kuongoza taratibu zake.

Bodi kuwa na madhi Kisheria.

5. (1) Bodi itakuwa ni yenye kutambulika kisheria, itayojulikana kama "Bodi ya Mfuko wa Taifa wa Akiba ya Uzeeni wa Zanzibar", yenye kuendelea na yenye muhuri wa kudumu ambao kutumika kwake kutashuhudiwa na wajumbe wawili. Bodi itakuwa na haki ya kushitaki na kushitakiwa, kufunga mikataba, pia inaweza kupata, kununua, kuhodhi, kumiliki mali ya aina yoyote na inaweza kugawa, kuacha, kuweka amana, kukodisha, kuhamisha au vyenginevyo kuuza mali ya aina yoyote au faida yoyote ya Bodi kuhusiana na masharti ambayo Bodi itaona ni muafaka.

(2) Waraka wowote utatolewa na Meneja utajaaliwa kama umetolewa na Bodi.

Uwezo wa Bodi.

6. (1) Bodi itaweza kuajiri na kuteua wafanyakazi wakiwemo maafisa na watumishi kwa kadri ambavyo Bodi kwa maoni yake itahisi wanahitajika kwa madhumuni ya utekelezaji wa masharti ya sheria hii.

(2) Bodi itaweza kuteua mawakala kutekeleza shughuli kama itavyoonekana inafaa kwa madhumuni ya Sheria hii, itaweza kuwaongoza mawakala hao ni kwa kiasi na namna gani shughuli hizo zinatakiwa zifanywe.

(3) Bodi itaweza kumteua kama Mkaguzi mwenye uwezo chini ya kifungu cha 62 cha Sheria hii, mtu yeyote miongoni mwa walioteuliwa chini ya kijifungu cha (1) cha kifungu cha 62 na, kwa ruhusa ya Waziri, mtu yeyote au aina ya watu walioteuliwa chini ya kijifungu cha (2) cha sehemu hii.

(4) Bodi itakuwa na uwezo wa kutekeleza madaraka, na majukumu kama yalivyoelezwa na kutolewa na Sheria hii au Sheria nyengine yoyote ambayo wakati huu inatumika, na itaweza, baada ya kuruhusiwa na Waziri, kutoa hati ya maandishi yenye muhuri kukasimu kwa mtu yeyote, yote au sehemu ya madaraka na majukumu hayo.

Isipokuwa kama Bodi itakasimu madaraka au majukumu kwa maafisa au watumishi wake, basi ukasimu huo utafanywa kama ni uamuzi wa kikao kilichotimia cha Bodi kilichowekewa kumbukumbu ipasavyo.

Uwezo wa
kutoa Stempu.

7. Bodi itaweza kuchapisha, kuuza na kutoa stampu kwa madhumuni ya malipo ya michango chini ya masharti ya kijifungu cha (1) cha kifungu cha 14 na itaweza kubuni sura za stampu hizo na kuweka masharti ya matumizi yake.

SEHEMU YA TATU
MAELEZO KUHUSU FEDHA.

Kuanzishwa
kwa Mfuko wa
Akiba.

8. (1) Kwa madhumuni ya Sheria hii, kutakuwa na mfuko utakaojulikana kama Mfuko wa Taifa wa Akiba ya Uzeeni wa "anzibar, ambamo italipwa michango yote itayowajibika kutolewa chini ya masharti ya Sheria hii, na ambao kutokana nao, yatafanywa malipo yote yatayowajibika kulipwa na Mfuko chini ya masharti ya sheria hii.

(2) Bodi itakuwa ni mdhamini wa Mfuko, na fedha zinazomilikiwa na Mfuko, kwa kuzingatia miongozo yoyote itayotolewa na Waziri -

- (a) zitawekwa katika benki au mabenki ambayo yanatambulika kisheria;
- (b) zitawekwa kwenye vitega uchumi, kwa mujibu wa sheria.

Mradi tu ieleweke kwamba itakuwa ni halali kwa Bodi kutoa mikopo kwa watumishi wake kama ni sehemu ya masharti ya uajiri, au ruzuku, malipo na mikopo kwa madhumuni yanayohusiana na masharti kama hayo yaliyoelezwa hapo kabla, chini ya masharti kama Bodi itavyohisi ni muwafaka.

Kiwango cha riba.

9. Mnamo au kabla ya kila mwisho wa mwaka wa fedha, Bodi baada ya kuzingatia mapendekezo ya Meneja, na baada ya kushauriana na Waziri itaruhusu kiwango cha riba kwa ajili ya mwaka huo, kisichopungua asilimia tano (5%) kwa mwaka na, kwa kuzingatia masharti ya kijifungu cha (2) cha kifungu cha 19 riba italipwa kwa mujibu wa fedha zitazostahiki kwenye akaunti za wanachama kama zitakavyofanyiwa hesabu kwa mujibu wa masharti ya kifungu cha 19 cha Sheria hii, kwa kutumia kigezo cha kiwango hicho cha riba.

Isipokuwa kwamba -

- (i) hakuna kiwango cha riba kinachozidi asilimia tano kwa mwaka kitakachoruhusiwa isipokuwa kwa maoni ya Bodi kwamba uwezo wa Mfuko kuweza kulipa malipo yote yanayotakiwa kulipwa chini ya Sheria hii hautahatarishwa na kiwango hicho;
- (ii) hakuna kiwango cha riba kitachozidi asilimia tano kwa mwaka kitachoruhusiwa ikiwa kutakuwa na kima chochote kilichokopwa kutoka Serikalini chini ya masharti ya kifungu cha 11 cha Sheria hii kitachokuwa bado kulipwa.

Marapurupu
maalum baada
ya kifo.

10. Mapema iwezekanavyo baada ya kila mwisho wa mwaka wa fedha, Bodi baada ya kuzingatia mapendekezo ya Meneja, itaruhusu kuongezwa kwa kima cha juu cha malipo kwa madhumuni ya kutekeleza masharti ya kifungu cha 37 cha Sheria hii, kwa manachama aliye-fariki, mradi tu kima hicho kitachoruhusiwa hakitopungua shilingi elfu ishirini.

Mikopo ya
Serikali.

11. Endapo wakati wowote Mfuko utashindwa kulipa kima chochote cha fedha ambacho kinatakiwa kulipwa chini ya Sheria hii, kima hicho kitakopwa kutoka Serikalini na Mfuko utalazimika kurejesha mkopo huo haraka iwezekanavyo Serikalini.

Gharama.

12. (1) Gharama zote zitazogharamiwa katika utekelezaji wa Sheria hii kuhusiana na uongozi wa Mfuko zitalipwa kutokana na fedha za Mfuko.

(2) Kwa madhumuni ya kifungu hiki, gharama hizo zitakuwa ni pamoja na matumizi yoyote kama Bodi itavyoona ni muwafaka, ni ya lazima au yanapaswa kufanywa kwa feida au heshima ya Mfuko au kwa uendelezaji wamahusiano mema na umma na wafanyakazi.

Akaunti na
ukaguzi wa
hesabu.

13. (1) Bodi itatunza na kuelekeza zitunzwe ipasavyo hesabu za Mfuko ambazo kila mwaka zitakaguliwa na Mkaguzi Mkuu wa Serikali.

(2) Mapema kama itavyowezezana baada ya kumalizika kila mwaka wa fedha, hesabu za mapato na matumizi ya Mfuko, za michango iliyopatikana na fedha zilizotolewa pamoja na riba zilizolipwa kwa wanachama wa Mfuko katika kipindi cha mwaka wa nyuma, pamoja na maelezo ya mali na dhima za Mfuko na ripoti ya Mkaguzi Mkuu wa Serikali na ile ya Mwenyekiti wa Bodi kuhusu shughuli za Bodi hiyo katika mwaka huo wa fedha unaohusika, vyote vitawasilishwa mbele ya Baraza la Wawakilishi.

Malipo ya
michango.

14. (1) Kila muajiri atawajibika kulipa kwenye Mfuko kwa ajili ya muajiriwa wake kila mwezi ambao muajiriwa huyo atakuwa katika ajira yake, na katika mwezi utaofuata baada ya kusimamishwa uajiri huo, mchango utaofanyiwa hesabu kulingana na kima cha mshahara muajiri huyo anachomlipa muajiriwa huyo kwa kila mwezi unaokwisha, kwa kufuata kiwango kinachohusika kama ilivyoainishwa kwenye Jadwali ya Pili.

Isipokuwa tu -

- (a) kama katika mwezi wowote ambao muajiriwa ameajiriwa na muajiri kwa kipindi kisi-chozidi siku kumi na mbili, ukiondoa Jumapili na siku za mapumziko, muajiri huyo ataweza akipenda kuchangia kwa ajili ya muajiriwa huyo kwa mwezi unaofuatia hadi pale Waziri atapotangaza kwenye Gazeti kuwamchango huo ni wa lazima;
- (b) Kuhusiana na muajiriwa alieajiriwa kwenye uajiri wowote uliofafanuliwa, Bodi itaweza kuelekeza kwamba malipo ya michango kwa ajili ya muajiriwa huyo yafanywe kwa vipindi visivyokuwa vya mwezi na, bila ya kujali masharti mengine yoyote ya Sheria hii, Bodi itaweza kuelekeza ni jinsi gani michango hiyo itafanyiwa hesabu na kulipwa, ambapo ibara ya (a) ya kifungu hiki itajaaliwa kuwa haihusiki na Bodi pia itaweza kuelekeza zaidi kwamba malipo yatafanywa na mtu mwingine kwa niaba ya muajiri kama alivyotafsiriwa katika kifungu cha 3 cha Sheria hii, ambapo huyo mtu mwingine atajaaliwa kuwani muajiri kwa madhumuni ya kifungu cha (2) cha kifungu hiki.

(2) Bila ya kujali masharti ya Sheria yoyote au makubaliano yanayoelezwa vyenginevyo, muajiri ambao analipa mchango kwa ajili ya muajiriwa kuhusiana na kifungu cha (1) cha kifungu hiki atakuwa na haki ya kujilipa kutokana na mshahara wa muajiriwa huyo, na si vyenginevyo, malipo ya sehemu ya mchango huo kama anavyoruhusika kwa mujibu wa Jadwali ya Pili.

Isipokuwa hakuna sehemu ya malipo atayoweza kujilipa muajiri kwa njia yoyote ile zaidi ya mkato kutokana na mshahara wa muajiriwa ambao umetumika kama kigezo cha kufanya Hesabu ya mchango wakati mshahara huo unalipwa.

(3) Bila ya kujali masharti ya Sheria yoyote na bila ya kuathiri maelezo ya vijifungu vya (1) na (2) vya kifungu hiki, muajiri yoyote ataweza kulipa michango kwenye Mfuko katika mwezi wowote kwa ajili ya yeyote kwa waajiriwa wake kwa kiwango kinachozidi kile kinachostahiki kwa mujibu wa Jadwali ya Pili.

Isipokuwa kwamba -

(a) Jumla ya michango itayolipwa kwa ajili ya muajiriwa yeyote katika mwezi wowote unaweza ukazidi kiwango kinachostahiki kwa mujibu wa Jadwali ya Pili kwa senti kumi na nne au marudufu za senti kumi na nne, lakini haitozidi asilimia thelathini ya mshahara aliowajibika kulipwa muajiriwa katika mwezi wa nyuma;

(b) taarifa za malipo ya michango kama hiyo ya hiari zitawasilishwa kwenye Bodi kwa utaratibu utaowekwa.

(4) Bila ya kujali makubaliano yanayoeleza vyenginevyo, muajiri hatakuwa na haki ya kujilipa kwa njia yoyote kutoka kwa muajiriwa yeyote mchango uliolipwa chini ya Sheria hii, kima chochote zaidi ya kile ambacho kimekubaliwa kulipwa chini ya masharti ya kifungu cha (2) cha kifungu hiki.

Malipo ya
adhabu iwapo
malipo yatache-
leweshwa
kulipwa.

15. Pale ambapo mali ya michango yoyote inayowajibika kulipwa chini ya masharti ya kijifungu cha (1) cha kifungu cha 14 au ya kima chochote kinachostahiki kulipwa chini ya masharti ya kijifungu cha (1) cha kifungu cha 24 hayakulipwa kwenye Mfuko katika mwezi ule ambao yaliwajibika kulipwa, muajiri atalazimika kulipa malipo ya adhabu juu ya kima chochote cha michango cha asilimia mbili kwa kila mwezi au sehemu ya mwezi baada ya kumalizika kwa mwezi wa mwanzo kabisa ambao michango hiyo ilikuwa ilipwe.

Isipokuwa kwamba -

- (i) ikiwa kima cha malipo ya adhabu kwa mujibu wa mahesabu hakitofikia shilingi tano, basi malipo yatakayolipwa yatakuwa ni shilingi tano; au
- (ii) ikiwa kima cha malipo ya adhabu kitazidi shilingi tano, malipo yatayolipwa yatahesabiwa kwa mujibu wa maradufu ya juu zaidi ya shilingi tano; na
- (iii) Bodi itaweza pale itapona inafaa kusamehe malipo yote ya adhabu au sehemu ya malipo hayo yanayowajibika kulipwa chini ya kifungu hiki.

Michango ita-
kayojaaliwa
kuwa
inulipwa.

16. Ikiwa muajiri yeyote atashindwa kulipa michango wowote ambao alitakiwa kulipa chini ya kijifungu cha (1) cha kifungu cha 14 au kima chochote chini ya kijifungu cha (1) cha kifungu cha 24, Bodi inaweza ikiwa itaridhika -

- (a) kwamba kushindwa huko hakutokani na idhini ya muajiriwa aneetusika; au
- (b) kwamba hakuna matumaini ya kulipwa kima ambacho hakikulipwa katika kipindi muwafaka;

kumlipa mwajiriwa limbikizo la akaunti yake ya uanachama chini ya masharti ya ibara (b) ya kijifungu cha (2) cha kifungu cha 19, kutokana na mapato ya Mfuko.

Mradi tu -

- (i) hakuna chochote katika kifungu hiki kitachoathiri haki ya Bodi kujilipa kima cha michango pamoja na malipo ya ziada chini ya kifungu cha 15 kutoka kwa muajiri, na kima chochote kitachopatikana kitaingizwa kwenye mapato ya Mfuko;
- (ii) isipokuwa kama Bodi itaamua vyenginevyo katika kesi fulani, kiwango chochote kitacholipwa muajiriwa chini ya masharti ya kijifungu hiki kitajaaliwa kwamba kimelipwa kwa ajili ya muajiriwa huyo kwenye tarehe ambayo malipo hayo yamefanywa.

Mchangiaji
wa hiari.

17. (1) Mtu yeyote ambae si muajiriwa chini ya Sheria hii wala sio mtu aliyeelezwa katika kijifungu cha (2) cha kifungu hiki na wala si wa chini ya umri wa miaka kumi na sita au zaidi ya miaka ishirini na tano, anaweza kuomba, kwa kutoa taarifa kwa Bodi kwa kufuata utaratibu uliowekwa, kuwa mchangiaji wa hiari wa Mfuko na michango itayolipwa na mchangiaji huyo itashughulikiwa chini ya kifungu cha 19 cha Sheria hii kama kwamba alikuwa muajiriwa.

Isipokuwa kwamba mwanachama yeyote ambae ni muajiriwa na kulipwa michango kwa ajili yake chini ya kijifungu cha (1) cha kifungu cha 14 kwa nusu mbili zilizofuatana za mwaka, na akaacha kuwa ni muajiriwa, anaweza baada ya kupeleka taarifa kwa Bodi kwa kufuata utaratibu uliowekwa sio zaidi ya miezi sita baada ya kuacha kuwa muajiriwa, kukubalika kuwa mchangiaji wa hiari bila ya kujali umri.

(2) Makundi yafuatayo hayatakubaliwa kuwa wachangiaji wa hiari -

- (a) wanachama wa mfuko iliyoruhusiwa;
- (b) watu waliosameheka chini ya masharti ya kifungu cha 30 cha sheria hii au ibara (a) ya kifungu cha 68 au ibara ya 4 ya Jadwali ya Kwanza ya Sheria hii.

(3) Mtu akiwa ni mchangiaji wa hiari anaweza kuanza malipo ya michango sio chini ya nusu mwaka ambao ametoa taarifa kwa Bodi kuhusiana na kijifungu cha (1) cha kifungu hiki.

Isipokuwa kwamba hakuna mchangiaji wa hiari anaeweza kulipa michango wowote bila ya kuanza kutumika kifungu cha 10 cha sheria hii.

Kiasi cha Akiba
ya mwanachama.

18. Kiasi cha akiba kinachoweza kulipika kwa mwanachama wa Mfuko kwa madhumuni ya vifungu vya 32, 33 na 36 vya Sheria hii kitakuwa ni sawa na jumla ya makusanyo ya michango yote iliyofanywa kwa ajili ya mwanachama huyo, toa makusanyo yanayoainishwa katika ibara (a) ya kijifungu cha (2) cha kifungu cha 19 na mikato yote inayofanywa chini ya kijifungu cha (3) cha kifungu hicho, na kwa kuzingatia maelezo ya kijifungu cha (3) cha kifungu cha 19, kiasi cha riba ambacho kitaweza kuwa kimelipwa kwa mwanachama huyo chini ya masharti ya kijifungu hicho kilichotajwa.

SEHEMU YA TANO

UWEKAJI WA MALIPO KATIKA MFUKO.

Michango kulipwa
kwenye mfuko na
lugaiwa kwa
wanachama.

19. (1) Kima chote kilichopokelewa au kukusanywa kwenye akaunti ya michango chini ya masharti ya Sheria hii yatalipwa au yatahamishiwa kwenye Mfuko kama Bodi itavyoelekeza.

(2) Kiasi cha fedha kitachowajibika kulipwa kwenye Mfuko chini ya masharti ya vifungu vya 14,

17 na 24 vya Sheria hii vitalipwa kama ifuatavyo -

- (a) sehemu moja katika saba ya kima kwenye kasma ya mapato ya jumla ya Mfuko kwa ajili ya kufanya malipo ya miaka chini ya matoleo yatayofanywa chini ya masharti ya Ibara (b) ya kifungu cha 68 cha Sheria hii; na
- (b) sehemu sita katika saba ya kima kwenye akaunti ya mwanachama ambae zimelipwa kwa ajili yake.
- (3) Bodi itahakikishe fedha zinalipwa kwenye akaunti ya kila mwanachama wa Mfuko kwa vima vinavyolingana na masharti yaliyowekwa chini ya ibara (b) ya kifungu cha (2) cha kifungu hiki, katika kila kipindi cha mwaka wa fedha kwa ajili ya mwanachama huyo, na kufuatia uamuzi wa Bodi chini ya masharti ya kifungu cha 9, juu ya kiwango cha riba cha mwaka wa fedha unachusika, riba kwa kiasi anachostahiki kulipwa wakati wa kuanza mwaka huo katika hali ambayo Bodi itaelekeza na kukata shilingi ishirini kutoka kwenye akaunti ya kila mwanachama au, ikiwa kiasi kinachostahiki kulipwa kwa mwanachama huyo kitakuwa chini ya shilingi ishirini, kiasi hicho kitaendelea kwenye mapato ya jumla ya Mfuko.

Isipokuwa kwamba ikiwa maombi hayo hayakufanywa mpaka zaidi ya miezi sita baada ya tarehe ambayo amefika umri wa kustaafu, mchango utaendelea kulipwa kwa ajili yake na hataruhusika kuacha mpaka atakapotoa taarifa ya miezi sita kwamba anajitoa, au kipindi kifupi zaidi ya hicho kama Bodi itavyoweza kukubali kwa mujibu wa kila kadhia.

(4) Mkataba wowote au makubaliano yatayoeleza kwamba mtu yoyote hatatoa taarifa kama ilivyoelezwa kwenye masharti ya kifungu cha (1) cha kifungu hiki yatakuwa batili na mkataba wowote au makubaliano yanayoeleza kwamba mtu yeyote atapeleka maombi ya kujitoa kwenye Mfuko kwa kima chochote cha akiha yake au baada ya kufikia umri wa kustaafu yatakuwa batili.

mapato mengine
asiyotokana
mchango.

20. Bodi baada ya kupata idhini ya Waziri inaweza kuweka vitega uchumi au kuanzisha vyanzo vyengine vya mapato ya Mfuko ambayo yatajumuishwa katika mapato ya jumla ya Mfuko.

SEHEMU YA SITA

WAZEE WALIOAJIRIWA TENA BAADA YA KUFIKIA UMRI
WA KUSTAAFU AU KUJITOA.

muajiriwa tena
na kuendelea
muajiriwa baada
ya kufikia umri
na kustaafu.

21. Waziri kwa kushauriana na Bodi anaweza kuweka kanuni chini ya Sheria hii na kutayarisha mpango wa kuwaingiza katika Mfuko wazee walioajiriwa tena baada ya kufikia umri wa kustaafu au baada ya kujitoa katika Mfuko.

SEHEMU YA SABA:

MIFUKO ILIYORUHUSIWA NA KURUHUSIKA.

likubaliwa
kwa mifuko
iliyoruhusiwa.

22. (1) Ikiwa Bodi itaridhika kwamba muajiri yeyote kabla ya siku ya mwanzo ya mwezi wa Julai, 1990 ameanzisha mfuko wa akiba au mfuko mwengine ambao unatoa kwa muajiriwa wake manufaa kifedha sio chini ya thamani ya manufaa yanayotolewa chini ya Sheria hii (ambao baadae katika Sheria hii, utajulikana kama mfuko ulioruhusiwa) Bodi itaathibitisha mfuko huo na kuanzia hapo muajiri huyo hatohusika na kuchangia kwenye Mfuko chini ya masharti ya kijifungu cha (1) cha kifungu cha 14, kwa ajili ya uajiri wa muajiriwa huyo ambao ni mwanachama wa mfuko huo ulioruhusiwa, kwa kadri ambavyo muajiri atachangia kwenye mfuko ulioruhusiwa kwa ajili ya muajiriwa kwa mujibu wa kanuni na taratibu za mfuko huo.

Isipokuwakwamba, Bodi haitathibitisha mfuko wowote ambao una masharti yanayoeleza kwamba mchangiji ataweza, katika hali yoyote, na kwa uamuzi wake kuchukua sehemu yoyote ya michango yake kwa mfuko huo au riba yoyote iliyochumwa au sehemu kubwa zaidi ya msaada wa muajiri ikilinganishwa na tofauti baina ya kima cha msaada huo na kima cha nusu moja ya

kiwango ambacho kingelipwa kwenye Mfuko kwa ajili yake chini ya masharti ya Sheria hii kwa kipindi cha uwanachama wake kwa Mfuko kama angekuwa mwanachama, tokea kuanza kutumika kwa Sheria hii.

(2) Muajiri yeyote ambae atataka kuiomba Bodi ithibitisha mfuko au mpango kuwa ni mfuko ulioruhusiwa chini ya masharti ya kijifungu (1) cha kifungu hiki atawasilisha maombi kupitia utaratibu uliowekwa, kwenye Bodi, ndani ya kipindi cha miezi sita tokea kuanza kutumika kwa sheria hii, na iwapo Bodi itaridhika kwamba maombi hayo ni sawa itatoa shahada ya muda ya kumruhusu muajiri kutoka kwenye masharti ya sheria hii kuhusiana na wanachama wa mfuko huo mpaka hapo Bodi itapoamua kuridhika au kutoridhika kwamba mfuko huo umekubaliwa, na endapo Bodi haitaridhika itamjulisha muajiri na hapo masharti ya sheria hii yatatumika kikamilifu.

Isipokuwa kwamba, bila ya kujali masharti ya kijifungu cha (1) cha kifungu cha 14 cha Sheria hii hakuna mchango utakaolipwa kwenye Mfuko katika mwezi ambao Bodi itamjulisha hivyo muajiri.

Ubatilishaji wa ruhusa.

23. Iwapo katika wakati wowote maslahi yaliyotolewa na muajiri chini ya mfuko uliokubaliwa, kwa maoni ya Bodi yamesita kuwa bora (zaidi) kuliko yale ya Mfuko wa Akiba, au iwapo Bodi hairidhishwi na uongozi wa mfuko wowote uliokubaliwa, basi Bodi itaweza kubatilisha shahada yoyote iliyotolewa kwa mujibu wa kijifungu cha (1) cha kifungu cha 22 cha Sheria hii, na hapo maelezo ya vifungu vya 24 na 27 vya Sheria hii yatatumika kama vile ambavyo yangetumika kama mfuko huo umefungwa.

Thaulishaji wa akiba kuingia kwenye Mfuko.

24. (1) Muajiriwa yeyote ambae hajafikia umri wa kustaafu na akaacha uajiri ambao kwao alikuwa ni mwanachama wa mfuko ulioruhusiwa au akasita kuwa na michango iliyolipwa kwenye mfuko huo kwa ajili yake kwa sababu nyengine yoyote ukiondoa ya kifo chake, muajiri anaehusika atalipa kwenye Mfuko ama -

- (a) kiasi cha fedha ambacho kingekuwa kimelipwa kwenye Mfuko kwa ajili ya muajiriwa huyo kama yangefuatwa masharti ya Sheria hii, kwa kipindi cha uanachama wake katika mfuko huo ulioruhusiwa tokea kuanza kutumi-ka kwa sheria hii jumlisha na riba ambayo ingelipwa kwa muajiriwa huyo kama ambapo michango hiyo ingelipwa chini ya sheria hii; au
- (b) nusu ya kima hiki jumlisha na kiasi cha akiba cha muajiriwa huyo katika mfuko ulioruhusiwa ambacho kinawakilisha mchango wa muajiriwa huyo tokea kuanza kwa Sheria hii, pamoja na riba iliyochumwa.

katika hivyo viwili kitachokua kikubwa zaidi ndicho kitachochukuliwa. Malipo hayo yatafanywa ndani ya kipindi cha mwezi mmoja tokea muajiriwa anaposita kuwa mwanachama wa mfuko huo ulioruhusiwa, au ndani ya kipindi chochote cha ziada kitachoruhusiwa na Bodi kwa minterafu ya kila kadhia.

(2) Hakuna chochote katika kifungu cha (1) cha kifungu hiki kitachozuia kuhaulishwa kwenye Mfuko, katika hali ambayo kifungu kingeruhusu uhaulishaji wa kiasi chochote kuingia kwenye Mfuko, kwa makubaliano baina ya muajiri na muajiriwa, kiasi chochote cha akiba pamoja na riba ya muajiriwa huyo kilichomo kwenye mfuko ulioruhusiwa, kinachohitaji kuhaulishwa chini ya masharti ya kifungu hiki, au kiasi chochote kilichochangiwa kwenye mfuko huo kabla ya kuanza Sheria hii, pamoja na riba iliyochumwa.

(3) Pale ambapo muajiriwa aliyeajiriwa na muajiri mwenye mfuko ulioruhusiwa anapata uhamisho wa kikazi kutoka Zanzibar kwenda nje ya Zanzibar chini ya muajiri huyo huyo, haitochukuliwa kwamba muajiriwa huyo amesita kuchangia mfuko ulioruhusiwa.

malipo
alioruhusiwa.

25. (1) Pale ambapo kanuni na taratibu za mfuko wowote ulioruhusiwa zinaruhusu muajiriwa yeyote kuacha huduma za akiba ya uzeeni za muajiri ambae ameanzisha mfuko kama huo, kwa sababu ya kujiunga na bima ya maisha yake ambayo ameipata kwa kuinunua kwa michango yake mwenyewe au kwa michango ya muajiri wake kwenye mfuko huo, muajiriwa huyo anaweza kwa kutoa taarifa ya siku kumi na nne kwa muajiri wake na kwa Bodi kuelezea nia yake ya kuacha huduma hizo kama ilivyoelezwa, kujiunga na bima hiyo na bila ya kujali masharti yoyote ya bima hiyo, atajaaliwa kuwa ni mtu ambae maisha yake yamekatiwa bima.

(2)(a) Kiasi kitacholipwa kwa Bodi na muajiri chini ya masharti ya kifungu cha 24 cha sheria hii kitapungua kwa kadri ya kima cha fedha taslim kitachopokelewa na muajiriwa kuto-kana na bima chini ya masharti ya kijifungu cha (1) cha kifungu hiki.

(b) Kwa madhumuni ya kuhesabu thamani iliyoelezwa kwenye ibara ya (a) ya kijifungu hiki, muajiriwa kwa kila mwaka atawasilisha kwa kila mwanachama wa mfuko ulioruhusiwa na kwa Bodi, maelezo kuhusu bima inayoendelea ya mwanachama huyo kama Bodi itavyochitaji.

(3) Bila ya kujali masharti ya sheria nyengine yoyote au masharti ya bima yeyote, hakuna bima itakayopokelewa na mtu yeyote kuhusiana na masharti ya kijifungu (1) cha kifungu hiki itayogaiwa, wekwa amana, hamishwa au salimishwa kabla ya tarehe yake ya kustahiki malipo.

Uhaulishaji wa
akiba kwenye
mfuko
ulioruhusiwa.

26. Pale ambapo muajiriwa aliyemo katika ajira iliyoanzishwa mfuko ulioruhusiwa anazuilika kwa mujibu wa kanuni za mfuko huo kuchangia kwa kipindi kilichoainishwa cha majaribio kisichozidi mwaka mmoja, kiasi chochote kitathokua katika akaunti ya muajiriwa huyo katika Mfuko kitachotokana na

michango aliyolipiwa katika Mfuko kwa kipindi chote cha majaribio pamoja na riba iliyochunwa na kiasi hicho, kitahaulishwa kwenye akaunti yake ya mfuko huo ulioruhusiwa kama muajiriwa huyo atakuwa mwana-chama kamili wa mfuko huo baada ya muda wa majaribio kumalizima na kama kanuni za mfuko huo zinaruhusu hivyo.

fungwa kwa mfuko ulioruhusiwa.

26. Bila ya kujali masharti ya kifungu cha 24 cha Sheria hii, pale mfuko ulioruhusiwa unapofungwa Badi inaweza, ikiwa itaona kwamba ni muafaka kwa manufaa ya wajaariwa kufanya hivyo, kukubali mali na dhima za mfuko huo katika tarehe kama itavyokubalika na itaweza kuweka katika Mfuko akiba ya kila mwanachama wa mfuko huo uliofungwa, kiasi sawa na sehemu sita kati ya saba ya akiba yake atayokuwanayo kwenye mfuko ulioruhusiwa katika tarehe hiyo.

tarehe ya kopea fedha ulioruhusiwa na Bodi.

28. Michango iliyolipwa kwenye mfuko ulioruhusiwa haitajaaliwa kwa madhumuni yoyote kuhusiana na sheria hii kuwa imelipwa kwenye Mfuko kwa tarehe yoyote zaidi ya ile ambayo chini ya masharti ama ya kifungu cha 24 au cha 27 cha sheria hii itakua imepokelewa na Mfuko.

kanuni na Hesabu ya fedha za mfuko ulioruhusiwa.

29. Muajiri yeyote ambae ameanzisha mfuko ulioruhusiwa -

- (a) ataipatia Bodi taarifa za hesabu za fedha za mfuko huo, zikiwa zimethibitishwa na mhasibu aliyekubaliwa na Bodi, kama Bodi itavyohitaji;
- (b) atazifuata kanuni za mfuko huo ulioruhusiwa na atalipa michango na misaada kwenye mfuko huo ndani ya kipindi ambacho kanuni za mfuko huo zitahitaji;
- (c) ataiarifu Bodi juu ya mapendekezo yoyote ya marekebisho ya kanuni za mfuko ulio-

ruhusiwa na hatotekeleza marekebisho yoyote kati ya hayo isipokuwa kwa hati ya maandishi ya idhini itayotolewa na Bodi;

- (d) itaipatia Bodi marejesho yote kama Bodi itavyoeleza kuhusiana na waajiriwa ambao ni wanachama, au ambae wameacha kuchangia kwenye mfuko huo ulioruhusiwa.

Misamaha.

30. Iwapo Bodi, baada ya kuombwa na muajiriwa pamoja na muajiri wake, itaridhika kwamba -

- (a) muajiriwa ameajiriwa na muajiri ambaye afisi yake kuu iliyosajiliwa ipo nje ya Zanzibar chini ya mkataba wa uajiri uliofanywa nje ya Zanzibar;
- (b) muajiriwa atastahiki malipo baada ya kustaafu chini ya mpango wa akiba ya uzeeni ulioanzishwa nje ya Zanzibar na kwamba malipo hayo kwa maoni ya Bodi ni ya kutosha kulingana na hali; na
- (c) muajiriwa si Mzanzibar,

basi itaweza kutoa kwa muajiriwa huyo hati ya kusemeheka (exemption) na baada ya hapo atajaaliwa kuwa si muajiriwa kwa madhumuni ya sheria hii kuhusiana na uajiri wake kwa muajiri huyo kwa kipindi kinachohusika kwa kadri aya (a), (b) na (c) za kifungu hiki zitakavyoendelea kuhusika naye.

SEHEMU YA NANE

KUONDOLEWA KWA MICHANGO.

Kuondolewa
kuidhinishwa na
Bodi.

31. Hakuna kiasi ambacho kimo katika akiba ya mwanachama wa Mfuko kitachoweza kuondolewa isipokuwa kwa idhini ya Bodi na idhini hiyo haitatolewa kabla ya tarehe ya mwanachama huyo kustahiki malipo ya akiba hiyo.

Kuondolewa kwa namna nyenginezo zisizokuwa kwa kifo.

32. Bodi baada ya kufika tarehe ya kustahiki malipo kwa mwanachama kwa njia nyengine isiyokuwa ya kifo na baada ya yeye mwenyewe kuomba au baada ya Kamati iliyochaguliwa chini ya masharti ya sheria ya Wagonjwa wa Akili kuomba kwa niaba yake, itamlipa muombaji kiasi anachostahiki kulipwa kutokana na Mfuko.

Kuondolewa na aliyeteuliwa.

33. Baada ya kifo cha mwanachama ba baada ya maombi yatayofanywa na mtu aliyeteuliwa chini ya masharti ya kifungu cha 25 cha Sheria hii Bodi itamlipa muombaji huyo kiasi cha fedha ambacho mwanachama anastahiki na kama itavyowekwa katika hati ya makubaliano itayofanywa kwa mujibu wa kifungu hicho.

Ushahidi.

34. Maombi yote ya kuondoa mchango yataambatanishwa na ushahidi kama itavyoelezwa, na ushahidi mwengine wowote kama Bodi itavyohitaji zaidi.

Uteuzi.

35. Muajiriwa yeyote au mwanachama wa Mfuko, anaweza kwa kutumia hati itakayofanywa kwa utaratibu utakaoelekezwa, kumteua mtu au watu kupokea malipo kwa niaba yake au kama ni haki ya mtu au watu hao, kutokana na fedha anazostahiki kulipwa kutokana na Mfuko chini ya masharti ya kifungu cha 33 cha Sheria hii wakati wa kifo chake kama hati hiyo itavyoeleza, na muajiriwa yeyote ambaye hatateua mtu huyo ataweza kutakiwa na Bodi kutoa tamko kwa maandishi kwamba hataki kufanya hivyo.

Isipokuwa ndoa itayofungwa na mteuzi huyo baada ya uteuzi huo itaweza kuufanya uteuzi huo uwe batili.

Utaratibu itawapo hakuna mteuliwa au mteuliwa mdogo.

36. (1) Ikiwa, wakati wa kifo cha mwanachama, hakuna mtu aliyeteuliwa chini ya masharti ya kifungu cha 35 cha Sheria hii, basi kiasi cha akiba ya mwanachama kitapelekwa Mahkamani kwa ajili ya

kugawanywa chini ya masharti ya Sheria yoyote inayotumika kwa ajili hiyo.

(2) Iwapo mtu mwingine asiyekuwa **kizuka** ndiye aliyeteuliwa na yuko chini ya umri wa miaka kumi na nane wakati wa kulipwa kwa malipo hayo basi sehemu hiyo ya malipo ya akiba italipwa kwa Mdhadini wa Serikali (Public Trustee) kwa manufaa ya mtu huyo aliyeteuliwa.

Malipo maalum
ya kifo.

37. (1) Endapo kifo cha mwanachama anayestahiki malipo kitatokea baada ya tarehe 1 Januari, 1991, kiasi anachostahiki kitaongezwa kwa kiwango cha kigezo cha juu kama kinavyoweza kuelezwa kwa mujibu wa kijifungu cha (2) cha kifungu hichi na kiwango cha ongezeko hilo kitalipwa kutokana na mapato ya jumla ya Mfuko.

(2) Kiasi kitachoongezwa kwenye akiba ya mwanachama aliyefariki kwa madhumuni ya kijifungu kidogo cha (1) cha kifungu hiki kitahusishwa na muda wa uanachama wa mwanachama na kwa idadi ya kiasi cha mchango uliolipwa kwa niaba yake na kiasi cha akiba kama inavyoweza kuelezwa katika taratibu.

(3) Kiasi cha akiba chini ya kijifungu cha (1) cha kifungu hiki hekitahesabiwa katika kukisia malipo au hasara inayowapaswa kulipwa kwa wanaomtegemea marehemu chini ya masharti ya Sheria ya Fidia ya Wafanyakazi.

SEHEMU YA TISA

UHAULISHAJI KWA JUMUIYA ZA UJENZI.

Matumizi.

38. Masharti ya sehemu hii yatatumika kwa mwanachama waliopata mikopo ya nyumba kutoka jumuiya za ujenzi zitazoidhinishwa na Bodi kwa madhumuni ya Sheria hii.

Kuhaulisha
kutoka akaunti
ya mwanachama
kwenda kwa
jumuiya ya
ujenzi.

39. Bila ya kujali masharti yoyote ya Sheria hii au ya Sheria nyengine yoyote, itakuwa ni halali kwa Bodi baada ya kuombwa na jumuiya ya ujenzi na mwanachama yeyote ambaye masharti ya kifungu cha 38 cha Sheria hii yanahusu, kuhaulisha kwa jumuiya ya ujenzi

kutoka katika akaunti ya mwanachama huyo kiasi cha fedha kisichoziidi kiasi cha akiba ya mwanachama huyo katika siku ya kwanza ya Januari au siku ya kwanza ya Julai ya mwisho inayotangulia tarehe ya maombi hayo.

Maombi ya
Jumuiya ya
Ujenzi kwa
fedha
iliyohaulishwa.

40. Kiasi chochote cha fedha kilichohaulishwa chini ya masharti ya kifungu cha 39 cha sheria hii kitatumiwa na Jumuiya ya Ujenzi kupunguza kiasi cha mkopo uliotolewa na Jumuiya ya Ujenzi kwa mwanachama katika hali ama ya kupunguza muda ambao mkopo huo ungeweza kutolewa au kupunguza kiasi cha viwango vya ulipaji wa deni hilo ambalo, kama si kwa sababu ya kufanywa uhaulishaji, lingepaswa kulipwa na mwanachama kwa Jumuiya ya Ujenzi.

Akiba.

41. Wakati wa kuhaulisha chini ya masharti ya kifungu cha 39 cha Sheria hii, kiwango cha fedha cha akiba ya mwanachama ambaye uhaulishwaji umefanywa kwa kilichohaulishwa lakini mwanachama huyo hatajaaliwa, kuhusiana na uhaulishaji huo tu, kuwa amehaulisha kiasi cha akiba katika maana ya -

- (a) tafsiri ya 'mwanachama anayestahiki' katika kifungu cha 3;
- (b) ibara (c) ya kijifungu cha (2) cha kifungu cha 17; au
- (c) sharti lolote la kifungu cha 21.

Uhaulishaji
kurudi
kwenye Mfuko.

42. Jumuiya ya Ujenzi itaingia katika makubaliano na mtu yeyote ambaye uhaulishaji umefanywa kwa ajili yake chini ya kifungu cha 39 cha Sheria hii ili kuruhusu uwezekano wa kulipa deni lake, ambapo jumuiya hiyo ya ujenzi itazirudisha tena kwenye Mfuko fedha zilizokuwa zimehaulishiwa kwa kiasi kitacholipwa chini ya makubaliano hayo na fedha hizo zitazorudishwa, bila ya kujali masharti mengine ya Sheria hii, zitawekwa bila ya kukatwa, katika akaunti ya mwanachama anayehusika kama kwamba ni mchango uliolipwa kuhusiana na nusu miaka ambayo kiasi hicho hupokewa na Mfuko.

Mpaka wa
Uhaulishaji.

43. Ikiwa uhaulishwaji utakuwa umefanywa kutoka katika akaunti ya mwanachama chini ya kifungu cha 39 cha Sheria hii, hakuna uhaulishaji zaidi utaofanywa tena kutoka katika akaunti ya mwanachama huyo.

SEHEMU YA KUMI

HIFADHI YA FEDHA ZILIZOCHANGWA NA KUONDOLEWA.

44. (1) Bila ya kujali masharti ya Sheria yoyote lakini kwa kuzingatia masharti ya kijifungu cha (2) cha kifungu hiki, hakuna mchango ulioingizwa kwenye Mfuko, wala akiba ya mwanachama wala riba iliyopatikana kutokana na mchango wa akiba hiyo, wala kuondolewa (withdrawals) kulikofanywa kwa ruhusa ya Bodi chini ya vifungu vya 32, 33 na 36 vya sheria hii, wala haki ya mwanachama yeyote aliyonayo chini ya sheria hii, wala haki ya kupata 'annuity' chini ya ibara (b) ya kifungu cha 68 cha sheria hii, vitavyoweza kugawiwa mtu mwingine au kuhaulishwa au kuwa na dhima ya kupigwa tanji, kuwekwa rehani au kukatwa kuhusiana na deni au madai yoyote.

(2) Bila ya kujali masharti ya sheria yoyote fedha zote zitazolipwa kutoka kwenye Mfuko baada ya kifo cha mwanachama zitajaaliwa kuwa zimetolewa na Mfuko kwa ajili ya mtu au watu kama itavyoamuliwa na Mahkama kwa mujibu wa kijifungu cha (1) cha kifungu cha 36.

Ruhusa kwa Bodi
kufanya malipo
nje ya nchi.

45. Bila ya kujali masharti ya sheria nyengine yoyote, Waziri anaweza kuiruhusu Bodi kufanya malipo ya kiasi chochote ambacho kiko tayari kulipwa ama kwa njia ya kuondolewa au malipo ya 'annuity' yanayo-stahiki kulipwa chini ya Sheria hii kwa mwanachama katika nchi yoyote ambayo mwanachama anakaa wakati malipo hayo yatakapokuwa tayari kulipwa.

46. Kwa madhumuni ya sheria yoyote, malipo yoyote kwa ajili ya 'annuity' ambayo yanapaswa kulipwa chini ya amri iliyotolewa kwa mujibu wa

wa ibara (b) ya kifungu cha 68 cha Sheria hii, itajaaaliwa kuwa ni kiasi kilichoondolewa kutoka kwenye Mfuko na itasamehewa kodi au ushuru uliowekwa na Sheria yoyote.

Kufilisika kwa muajiriwa.

47. Kufilisika kwa muajiriwa hakutaathiri kulipwa kwa mchango kutoka katika mshahara wa muajiriwa kwa mujibu wa sheria hii, lakini malipo hayo yataendele kufanywa bila ya kujali masharti ya Sheria yoyote na sehemu hiyo ya mshahara itayolipwa itajaaaliwa kuwa ni sehemu ya mali yake aliyoipata baadae.

Kufilisika kwa mwajiri.

48. (1) Endapo mdhamini yeyote, msuluhishi, wakala au msimamizi au mtu mwingine wa aina hiyo anaeshughulikia mali, shughuli au tirka ya muajiri ambaye ameshindwa kulipa mchango anaopaswa kulipa chini ya sheria, mtu huyo atalipa malipo hayo katika utaratibu utakaowekwa na Bodi kabla hajaigawa mali hiyo au tirka hiyo.

(2) Mdhamini, msimamizi au wakala yeyote kabla ya kuigawa mali iliyo chini ya dhamana yake basi itambidi aipate shahada kutoka kwa Meneja wa Mfuko kuonyesha kuwa malipo yanayostahiki kulipwa chini ya Sheria hii na mtu huyo kutoka katika tirka yoyote iliyochini ya dhamana yake imelipwa.

(3) Ikiwa mali au tirka imegawanywa na mdhamni, msimamizi au wakala bila ya kupata shahada chini ya kijifungu (2) cha kifungu hiki, basi mtu huyo atakuwa na dhima yeye mwenyewe ya kulipa mchango unaotakiwa kulipwa pamoja na ada inayotakiwa kulipwa chini ya kifungu cha 14 cha Sheria hii.

Siri.

49. Bila ya kujali masharti ya Sheria yoyote, Bodi haitalazimika kutoa maelezo kuhusu jambo lolote kuhusu kiasi cha akiba ya mwanachama isipokuwa kwa mwanachama mwenyewe au ikiwa amekufa, kwa aliyeteuliwa, wala kutoa maelezo kuhusu mwanachama au mwajiri isipokuwa kwa idhini ya mwanachama au mwajiri wake.

Isipokuwa hakuna chochote chini ya kifungu hiki kitachoizua Bodi au maafisa wake kutoa ushahidi

kuhusiana na mambo hayo katika kesi yoyote ya jinai.

SEHEMU YA KUMI NA MOJA

MAKOSA, ADHABU NA MASHTAKA.

Makosa na adhabu.

50. (1) Ikiwa mtu yeyote -
- (a) kwa madhumuni yoyote yanayohusiana na sheria hii -
 - (i) kwa kujua atatoa maelezo ya uongo; au
 - (ii) atatoa au atapeleka au kwa kujua atasababisha au kuruhusu kutolewa au kupelekwa waraka wowote ambao anajua kuwa ni wa uongo,
 - (b) atashindwa kulipa kwenye Mfuko katika mwezi wowote kiasi chochote, ambacho chini ya kijifungu (1) cha kifungu cha 14, cha Sheria hii, anawajibika kulipa katika mwezi huo;
 - (c) atamzua afisa au mtumishi yeyote wa Bodi kufanya kazi zake;
 - (d) atashindwa kufuata masharti ya kifungu cha 29 cha Sheria hii;
 - (e) atashindwa kuhaulisha kwenye Mfuko kiasi chochote cha fedha ambacho anatakiwa akihaulishie kwenye Mfuko chini ya masharti ya kijifungu (1) cha kifungu cha 24 cha Sheria hii, kiasi ambacho atatekiwa na kifungu hicho akihaulishe kwa wakati huo;
 - (f) atashindwa kulipa kwa Bodi, katika wakati unachitajika, kiasi chochote cha adhabu ambacho anawajibika kulipa chini ya kifungu cha 15 cha Sheria hii;
 - (g) akiwa Mjumbe au amewahi kuwa mjumbe, afisa au mtumishi wa bodi akawasiliana

moja kwa moja au vyenginevyo au akaeleza kwa mtu yeyote jambo lolote linalohusu shughuli za Bodi ambalo atalijua kutokana na kuwa kwake mjumbe, afisa, mtumishi au wakala isipokuwa kama itakavyohitajika katika kutekeleza kazi zake akiwa kama mjumbe, afisa, mtumishi au wakala wa Bodi au kama itavyoruhusiwa na Bodi;

- (h) atamfanya mjumbe, afisa, mtumishi au wakala wa Bodi au mtu ambaye amewahi kuwa katika kazi hizo, kuwasilisha au kueleza jambo lolote kati ya yaliyoelezwa katika ibara (2) ya kifungu hiki;
- (i) kabla ya siku yake ya kustahiki malipo atampa mtu mwengine, ataiweka dhamana au rahani, ataihaulisha au kukabidhi kwa mtu mwengine mkataba wa bima alioupata chini ya kijifungu (1) cha kifungu 25 cha Sheria hii;
- (j) atashindwa kulipa mchango au ada ambayo anatakiwa kulipa chini ya kifungu cha 48 cha sheria hii;
- (k) atashindwa kuwasilisha, katika wakati uliotajwa, waraka wowote anaotakiwa awasilishe chini ya ibara (c) ya kifungu cha 62 cha sheria hii;

atakuwa mkosa na atakapothibitika hivyo atatozwa faini isiyoziidi shilingi elfu ishirini au kwenda Chuo cha Mafunzo kwa kipindi kisichoziidi mwaka mmoja au yote mawili faini na kifungu.

(2) ikiwa mtu yeyote -

- (a) atafanya mkato kuhusiana na mchango kwa namna yoyote mbali ya ile ya mkato wa mshahara ambao kutokana nao ndio mchango hukisiwa au kufanya mkato katika wakati mwengine wowote zaidi ya wakati ambao mshahara unastahiki kulipwa; na

- (b) atakata kutoka katika mshahara wa mfanyakazi kiasi kikubwa zaidi cha fedha kuliko kile kilichoruhusiwa chini ya Sheria hii; au
- (c) baada ya kufanya mikato atashindwa kulipa kwenye Mfuko katika miezi inayopaswa kulipwa, michango ambayo tayari imeshakatwa kutoka katika mishahara;

atakuwa mkosa na ikithibiti atatozwa faini isiyoziidi shilingi elfu arobaini au kwenda Chuo cha Mafunzo kwa muda usioziidi miaka miwili au yote mawili faini na kifungo.

(3) Bila ya kujali masharti ya sheria nyengine yoyote mashtaka yanaweza kufuguliwa katika muda wa miaka mitatu tokea tarehe ya kufanyika kosa.

taarifa ya mchango uliokuwa haujalipwa.

51. Ikiwa taarifa ya nia ya kufanya hivyo imepelekwa na mwendesha mashtaka kwa mshtakiwa, ushahidi unaweza kutolewa katika mashtaka yoyote chini ya ibara (b) ya kijifungu (1) cha kifungu cha 50 cha Sheria hii, juu ya mchango ambao haujalipwa katika tarehe na kupelekwa hati ya wito kwa mshtakiwa, kuhusiana na waajiriwa wengine, katika mfumo wa shahada iliyotiwa saina na Meneja na, ikiwa mshtakiwa atapatikana na hatia ya kosa hilo, Mahkama iliyomtia hatiani inaweza, bila ya kuathiri haki yoyote chini ya kifungu cha 57 cha Sheria hii, kuamuru mshtakiwa alipe kwenye Mfuko kiasi hicho cha mchango ambacho hakijalipwa, pamoja na mchango wowote ambao haujalipwa hadi siku ya mashtaka ambayo mshtakiwa ameshtakiwa nayo, na masharti ya Sheria ya Adhabu kuhusu faini yatatumika kwa mchango huo au sehemu yake ambao uneamriwa ulipwe.

Madaraka zaidi ya Mahkama.

52. Ikiwa mtu yeyote amepatikana na hatia chini ya masharti ya ibara (3), (f) au (j) za kijifungu cha (1) cha kifungu cha 50 cha sheria hii kashindwa kuhaulisha au kulipa ada yoyote, mahkama iliyomtia hatiani inaweza, bila ya kuathiri masharti

ya kifungu cha 57 cha sheria hii, kuamuru mshtakiwa kulipa kwenye Mfuko kiasi kinachohitajika kuhaulishwa au kulipwa kama ni ada katika namna ile mchango unavyotakiwa ulipwe chini ya masharti ya kifungu cha 51 cha sheria hii.

Chima ya Maofisa wa Mashirika.

53. Endapo kosa chini ya sheria hii limefanywa na Shirika au Jumuiya au umoja wowote wa watu, mtu yeyote ambae wakati wa kutendwa kosa alikuwa Mkurugenzi, Meneja, Katibu au afisa wa aina hiyo au mshirika wa shirika, jumuiya au umoja huo au alikuwa anakimu madaraka hayo basi atajaaliwa kuwa mkosa isipokuwa labda athibitishwe kuwa kosa hilo lilitendwa bila ya ridhaa yake au kushiriki kwake na kwamba alitumia juhudi zote kuzuia kosa hilo, kulingana na namna ya kazi zake katika madaraka hayo.

Malipo ya muajiriwa kwa mkato usio wa halali.

54. Pale ambapo mahkama yoyote itaridhika, itamtia hatiani muajiriwa yeyote ambae amefanya mikato au amejipatia fedha kutoka kwenye fedha za muajiriwa yeyote kwa ajili ya michango yoyote isipokuwa hiyo kuhusiana na masharti ya sheria hii, mahkama inaweza kutoa amri kwa muajiri huyo kumlipa muajiriwa huyo ambae amekatwa kiasi hicho kwa njia isiyo ya halali.

Mashtaka.

55. Mashtaka kwa ajili ya makosa yoyote chini ya sheria hii yanaweza kufunguliwa na Meneja, au na afisa yeyote, mtumishi au wakala wa Bodi alieruhusiwa kimaandishi kwa niaba ya Meneja, na Meneja au afisa yeyote alieruhusiwa, mtumishi au wakala anaweza kuendesha mashtaka bila ya kujali kama yeye ndiye aliyeanzisha shauri hilo au la.

Ushahidi wa nyendo za kesi.

56. Katika kesi yoyote ile iwe ya jinai au madai nyendo za kesi chini ya masharti ya sheria hii, nakala ya kumbukumbu au akaunti ya Mfuko ambayo imetiwa saini na Meneja utakuwa ni ushahidi ulio wazi kwa maandishi hayo yaliyofanywa na madhumuni yake yatakuwa ni kweli, na shahada ambayo itatiwa saini na Meneja kwamba hakuna maandishi yaliyofanywa basi utakuwa ni ushahidi uliowazi.

Kesi za Madai.

57. (1) Michango yote ambayo imelipwa chini ya masharti ya sheria hii, inaweza, bila ya kuathiri malipo mengine yoyote, kupatikana tena kwa Bodi kama ni deni.

(2) Madai yote yanayohusiana na madeni ya mchango wowote yanaweza, bila ya kujali chochote katika Sheria nyengine yoyote vyenginevyo, yanaweza kufunguliwa wakati wowote katika kipindi cha miaka sita kuanzia tarehe ambayo mchango huo ulitolewa.

(3) Madai yanayohusiana na madeni ya michango yanaweza yakafunguliwa na Meneja, au na afisa yeyote, mtumishi au wakala wa Bodi aliyeruhusiwa kimaandishi kwa niaba ya Meneja. Meneja au afisa, mtumishi au wakala yeyote aliyeruhusiwa anaweza akaendesha madai hayo.

(4) Katika kifungu hiki neno "mchango" litajaliwa kujumuisha malipo ya ziada ya masharti ya kifungu cha 15 cha sheria hii.

Upoteaji wa maslahi kutokana na makosa ya muajiri.

58. Ikiwa, kama itatokezea kwa muajiri kukosa kulipa mchango wowote kwa kipindi ambacho mchango huo ulistahiki maslahi yoyote chini ya masharti ya sheria hii ambayo yangukuwa yalipwe kwa mtu yeyote, ikiwa malipo hayo hayakulipwa, muajiri huyo, kama atapatikana na hatia katika mahkama yoyote kwa kushindwa kulipa mchango huo wakati uliostahiki, atakuwa ni mkosa na atalipa kwenye Mfuko kiasi cha maslahi ambayo yangelipwa kutokana na mchango ambao ungelipwa kwa wakati.

Madai.

59. Kiasi chochote ambacho muajiri atakuwa na jukumu la kulipa chini ya masharti ya kifungu cha 58 cha sheria hii, yatalipwa kwa Bodi kama ni deni na madai ya madeni hayo yanaweza yakafunguliwa na mtu yeyote aliyeruhusiwa kufungua madai chini ya masharti ya kifungu cha (3) cha kifungu cha 57 cha sheria hii.

hi ya kiasi
chorudishwa
Bodi.

60. Kiasi chochote kilichorudishwa kwa Bodi chini ya masharti ya kifungu cha 58 au 51 cha Sheria hii, yatalipwa na Bodi kwa mtu au watu ambao walistahiki, lakini kutokana na makosa ambayo muajiri ametiwa hatiani, anastahiki kupokea kiasi hicho chini ya masharti yoyote ya sheria hii, na kwa ajili ya kifungu cha 44 cha sheria hii malipo hayo yatajaaliwa kuwa yamelipwa kutoka kwa Mfuko.

ada itayo-
wa na Meneja.

61. Kwa madai yaliyofunguliwa chini ya masharti ya kifungu cha 59 cha Sheria hii, shahada yenye sahihi ya Meneja kwa kiasi cha maslahi ambayo yangelipwa kutokana na kosa ambalo muajiri ametiwa hatiani bila ya kosa hilo itakuwa ni ushahidi ulio wazi kuhusiana na deni hilo.

SEHEMU YA KUMI NA MBILI

UWEZO WA WAKAGUZI NA MAOFISA WA MFUKO.

co wa
aguzi.

62. Mkaguzi yeyote aliyeteuliwa chini ya masharti ya kijifungu cha (3) cha kifungu cha 6 cha sheria hii anaweza kwa wakati unaokubalika;

- (a) kuingia kwenye eneo au pahala popote ambapo watu wanaaminika kuwa ni waajiriwa;
- (b) kufanya uchunguzi kama itavyoonekana muhimu, wa kuona kwamba masharti ya sheria hii yanafuatwa ipasavyo katika maeneo hayo;
- (c) kupata nyaraka zozote ambazo muajiri anatakiwa kuziweka chini ya masharti ya sheria hii au chini ya sheria ya uajiri au nyaraka zozote zinazohusiana na mkataba au masharti ya utumishi yaliopo kati ya muajiri na muajiriwa au waajiriwa wake, na kwa ajili hii, hati ya maandishi inaweza kutumwa kwa muajiri ama kuhusiana na masharti ya kijifungu cha (6) cha kifungu

cha 2 cha Sheria ya Ufafanuzi au kwa hali yoyote kwa kuifanyia usajili kwa njia ya posta kwa kutumia anuani ya muajiri, kwa madhumuni ya kumfanyia ukaguzi muajiri huyo kwa tarehe ambayo imeelezwa katika hati hiyo, isipokuwa kwamba tarehe iliyeleleza isiwe chini ya siku ishirini na moja kuanzia siku iliyotumwa hati hiyo na hati hiyo itajaaliwa kuwa imetumwa kwa muajiri wakati itapokuwa imefika kwenye posta ya karibu.

- (d) kumchunguza, ama akiwa peke yake au mbele ya mtu mwingine yeyote, kwa ajili ya jambo lolote chini ya sheria hii ambalo kuhusiana nalo anaweza kuhitaji habari, mtu yeyote ambae ana sababu ya kuamini kwamba anaweza kutoa habari za kuaminika kuhusiana na jambo linalofanyiwa uchunguzi na kutaka mtu huyo ahojiwe, na kwa madhumuni ya uchunguzi huo mtu huyo anaweza kuitwa na kutakiwa kuhudhuria kwa wakati na mahali ambapo pameelezwa katika wito huo.

Uwezo wa
naofisa wa
Mfuko.

63. Mkaguzi, au mtu yeyote alieteuliwa chini ya masharti ya kifungu cha 6 cha Sheria hii na ambae ameruhusiwa kimaandishi na Meneja, anaweza kufanya uchunguzi kama itavyoonekana muhimu, kwa kupata ukweli wa hoja yoyote iliyofanywa kwa madhumuni ya kujua tarehe inayostahiki kwa mwanachama wa Mfuko na anaweza kwa madhumuni hayo -

- (a) kumchunguza aidha akiwa peke yake au mbele ya mtu mwingine yeyote, kwa ajili ya jambo lolote chini ya Sheria hii ambalo kuhusiana nalo anaweza kuhitaji habari, mtu yeyote ambae ana sababu za kuamini kwamba anaweza kutoa habari za kuaminika kuhusiana na jambo linalofanyiwa uchunguzi, na kutaka mtu huyo ahojiwe, kwa madhumuni ya uchunguzi huo mtu

huyo anaweza kuitwa na kutakiwa kuhudhuria kwa wakati na pahala ambapo pameelezwa katika wito huo;

- (b) kumtaka mtu yeyote ambae ametoa hoja hiyo kutia saina kwamba maelezo hayo ni ya kweli.

SEMEMU YA KUMI NA TATU

MAELEZO YA JUMLA

Maombi ya mkopo kwa mwanachama.

64. Mwanachama wa Mfuko anaweza kupeleka maombi yake kwa Bodi kwa ajili ya kupatiwa mkopo kutoka kwenye Mfuko kwa madhumuni ya kununua mali inayoweza na isiyoweza kuhamishika.

Isipokuwa kwamba, pale ambapo mkopo umeombwa na kuthibitishwa, mkopo huo utatolewa sio zaidi ya mwezi mmoja kuanzia tarehe ambayo maombi hayo yalifanywa.

Malipo yafanywe kwa kipindi cha miezi sita.

65. Malipo yoyote yanayofanywa kwa ajili ya mwanachama wa Mfuko au kuto kana na kifo cha mwanachama huyo, kwa wanaomtegemea wakati malipo hayo yanapokua tayari, yatalipwa ndani ya kipindi cha miezi sita kuanzia tarehe ambapo malipo hayo yameidhinishwa au tarehe ambayo kifo kimetokea.

Makosa na adhabu.

66. (1) Afisa yeyote ambae atachelewesha malipo yoyote yaliyofanywa chini ya kifungu cha 65 cha sheria hii atakuwa ametenda kosa.

(2) Kosa ambalo limetendwa na afisa litajaaliwa kama kwamba limetendwa na Mfuko, na Mfuko utatiwa hatiani kwa kutozwa faini ya asilimia 10 ya kiasi ambacho mwanachama anaestahiki au wanaomtegemea kacheleweshwa kwa kila mwezi ambao utacheleweshwa au sehemu ya mwezi huo kulipwa kwa mwanachama au wanaomtegemea kutokana na fedha za Mfuko.

(3) Afisa yeyote ambae atatenda kosa chini ya kifungu hiki kesi yake itashughulikiwa chini ya masharti ya Sheria ya Usalama Kazini.

SEHEMU YA KUMI NA NNE.

Kanuni.

67. Waziri anaweza kutunga Kanuni kwa madhumuni yoyote ambayo kanuni zinaweza kutungwa chini ya masharti ya Sheria hii na kwa ajili ya kuelezea chochote ambacho kinaweza kuelezewa na vyenginevyo kwa ajili ya kuendeleza Sheria hii kutumika, bali bila ya kuathiri maelezo ya jumla, anaweza kufanya kanuni kwa ajili ya mambo yafuatayo -

- (a) kuweka utaratibu wa usajili wa waajiri na waajiriwa kabla ya kuanza kutumika masharti yoyote ya Sheria hii;
- (b) kuweka taratibu za kulipa na ukusanyaji wa michango na mambo mengine yahasikanayo na hayo;
- (c) kuhughulikia kiasi ambacho hakikudaiwa, hakikulipwa au kimebakia katika Mfuko;
- (d) kuelezea -
 - (i) marejesho ya michango chini ya masharti ya sheria hii, au sehemu yoyote ya michango hiyo, iliyolipwa kimakosa;
 - (ii) malipo ya michango chini ya masharti ya sheria hii, au sehemu yoyote ya michango hiyo, iliyowachwa kulipwa kimakosa.
- (e) kuweka taratibu na masharti ya uwekaji na utunzaji wa vitabu vya mahesabu na kumbukumbu za waajiri;
- (f) kuweka taratibu na masharti ya uteuzi wa Bodi ya madaktari kwa ajili ya ibara (c)

ya tafsiri ya "tarehe inayostahiki" kwenye kifungu cha 3 cha Sheria hii na kwa ajili ya madhumuni kama itavyoelezwa;

- (g) kueleza masharti na taratibu za kutoa fedha kutoka kwenye Mfuko;
- (h) kuelezea namna ushahidi utavyotolewa na mtu atakaetoa, afisa au aliemruhusu ambaye kwake ushahidi utatolewa kwa ajili ya kifungu cha 34 cha sheria hii;
- (i) kuelezea taratibu za kufuatwa wakati michango inapolipwa na muajiri kwenye Mfuko;
- (j) kuelezea namna na wakati hati yoyote itatolewa na muajiriwa kwa muajiri wake chini ya masharti ya ibara (c) ya kijifungu cha (3) cha kifungu cha 14 cha Sheria hii;
- (k) kuelezea taratibu za kufuatwa wakati m-chango wowote wa hiari unapolipwa kwenye Mfuko;
- (l) kuelezea marejesho yatayofanywa na waaajiri, na fomu za madaftari ambayo yatatumika katika kutekeleza masharti ya Sheria hii;
- (m) kuelezea kiasi na namna ya malipo na muda wa malipo yoyote ambayo yatalipwa chini ya masharti ya ibara (b) ya kifungu cha 68 cha sheria hii.

Kusamehe malipo ya miaka.

68. Waziri anaweza, kwa uwezo mwengine wowote alionao chini ya masharti ya Sheria hii, baada ya kuwasiliana na Bodi;

- (a) kwa kutoa toleo, kumruhusu mtu yeyote au kikundi cha watu kutofungika na masharti yoyote ya Sheria hii;
- (b) kuelezea kwa toleo kwamba, bila ya kujali masharti ya vifungu vya 32, 33, 36

na 37 vya Sheria hii, mtu yeyote, au kikundi cha watu, wanachusika chini ya masharti ya vifungu vyote kupokea kiasi chochote au sehemu ya kiasi cha akiba ya mwanachama katika Mfuko, anaweza kupokea, badala ya watu wa sehemu yoyote wanayostahiki nayo, fedha kwa kiwango hicho au sehemu yake.

Makubaliano
mengine.

69. (1) Waziri baada ya kushauriana na Bodi, anaweza kuingia katika makubaliano ya kubadilishana na Serikali ya nchi nyengine yoyote ambayo mfuko wa aina hii ya Mfuko umeanzishwa na makubaliano hayo yanaweza kuelezwa, miongoni mwa mambo mengine kama -

- (a) muda wote wa kazi kwa muajiri katika nchi hiyo utajaaliwa kama kwamba ni muda wa kazi kwa muajiri wa Zanzibar kwa ajili ya tafsiri ya "muajiriwa" katika kifungu cha 3 cha Sheria hii; na
- (b) kwa kufuata masharti ambayo yatawekwa katika mkataba wa makubaliano kuhusiana na madai ya malipo ya mwanachama wa Mfuko ambae anamfanyia kazi mwajiri wa nchi hiyo, malipo anayostahiki yanaweza kuhalishwa kwenye mfuko huo; na pia malipo au madai ya mtu yeyote aliyekua nje ambae atakua mwanachama wa Mfuko yanaweza kuhalishwa katika akiba yake ya Mfuko, na iwapo katika mkataba wa makubaliano yaliyofikiwa ambayo yatatoa tafsiri ya neno "mwajiriwa" iliyopo katika kifungu cha 3 cha sheria hii, na itajaaliwa kufasiriwa kwa mujibu wa hali, hata hivyo hakuna mtu ataetakiwa kuchangia katika Mfuko katika kipindi ambacho hakuwa akifanya kazi katika Zanzibar na mwajiri wake atatakiwa kuchangia kuhusiana na mwajiriwa katika kipindi hichi cha kuhaulishwa na Bodi kwa madai kutoka au kuingia katika Mfuko kwa namna itavyoruhusiwa.

(2) Mkataba wowote wa makubaliano uliofikiwa chini ya masharti ya kifungu cha (1) cha kifungu hiki yatachapishwa katika Gazeti Rasmi na yataanza kutumika tarehe ambayo itatangazwa baadae ambayo imeainishwa katika makubaliano au tarehe ya kuchapishwa kwa Gazeti hilo.

JADWELI YA KWANZA

WALIOSAMEHEKA

(CHINI YA KIFUNGU CHA 3)

1. Mtumishi yeyote wa nyumbani au mtoto kama ilivyotafsiriwa katika Sheria ya Kazi.
2. Mfanyakazi yeyote wa nje kama ilivyotafsiriwa na Sheria ya Fidia ya Wafanyakazi.
3. Mtu yeyote aliezuiliwa katika gereza lolote, skuli ya manunda, hospitali za wagonjwa wa akili au kwenye nyumba za wenye maradhi ya ukoma.
4. Mtu yeyote ambae ni mwanachama wa Mfuko wa Akiba ulioanzishwa na masharti ya sheria nyengine yoyote.
5. Mtu yeyote ambae amejiunga tena na Mfuko chini ya masharti ya ibara (i) ya maelezo ya kifungu cha (1) cha kifungu cha 21 na kuondoa kiasi cha akiba yake kwenye Mfuko.

JADWELI YA PILI

KIMA CHA MCHANGO

(CHINI YA KIFUNGU CHA 14)

Mchango wa mwezi kwa muajiri chini ya masharti ya kifungu (1) cha kifungu cha 14 utakuwa ni asilimia kumi na taná ya kima cha mshahara wa muajiriwa kwa mwezi wa nyuma, na kiasi kinachoweza kujilipa muajiri chini ya masharti ya kifungu cha (2) cha kifungu hicho

kutoka kwenye mshahara wa muajiriwa kwa mwezi wa nyuma kitakuwa ni asilimia tano ya mshahara wa muajiriwa wa mwezi huo.

Isipokuwa kwamba, iwapo katika mwezi wowote kima cha mshahara kilicholipwa kwa muajiriwa hakizidi senti thelathini kwa sasa, hakuna kiasi kitacholipwa na muajiriwa kutoka kwenye mshahara wa muajiriwa kwa mwezi huo.

Imepitishwa na Baraza la Wawakilishi tarehe 30 Machi, 1990.

KHAMIS JUMA CHANDE
KATIBU

BARAZA LA WAWAKILISHI LA ZANZIBAR.