

THE HOUSE OF REPRESENTATIVES (IMMUNITIES
POWERS AND PRIVILEGES) ACT, 1990.

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ACT NO. 3 OF 1990

I ASSENT



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

.....18th October.....1990.

AN ACT TO REPEAL THE COUNCILS DECREE
NO.1/56 AND TO PROVIDE FOR BETTER PROVISIONS
RELATED TO IMMUNITIES, POWERS AND PRIVILEGES
TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES
IN THE EXERCISE OF THEIR FUNCTIONS AND MATTERS
CONNECTED THEREWITH AND INCIDENTAL THERETO.

ENACTED by the House of Representatives of
Zanzibar.

PART I

PRELIMINARY

Short title
and
commencement.

1. This Act may be cited as the House of
Representatives (Immunities, Powers and Privileges)
Act, 1990 and shall be read as one with the Part V
of the Constitution, and shall come into operation
immediately upon being assented by the President.

Interpretation.

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

"committee" means a standing committee of the
House established in accordance with section
85 of the Constitution and includes sessional

and any committee selected by the House or the Speaker to exercise the powers of the House;

"Constitution" means the Constitution of Zanzibar, 1984;

"clerk" means the Clerk of the House and includes any person acting as such on the authority of the Speaker;

"House" means the House of Representatives of Zanzibar;

"journals" means the minutes of the House or official records of the votes or proceedings of the House;

"member" means any member of the House and in any case where the Speaker is not a member of the House, the Speaker;

"meeting" means sitting or sittings of the House commencing when the House first meets after being summoned at any time and terminating when the House is adjourned sine die or at the conclusion of a session;

"Minister" means the Minister responsible for the affairs of the House of Representatives;

"Officer of the House" means the Clerk or any other officer or person acting within the precincts of the House under the Orders of the Speaker and includes any police officer on duty within the precinct of the House;

"Parliament" means the Parliament of the United Republic of Tanzania;

"Police Officer" means any member of the police force;

"precincts of the House" means the hall in which the House sits in session for the transaction of business, together with the offices, rooms chambers,

lobbies, galleries, courtyards, gardens and other places, provided for the use or accommodation of members, officers or stranger and any passages connecting such places and any other places immediately contiguous thereto as may from time to time be declared by the Speaker as being within the precincts of the House;

"President" means the President of Zanzibar;

"Secretariat" means the Secretariat of the House established under section 77 of the Constitution;

"Standing orders" means the Standing Order of the House for the time being in force made in accordance with the provisions of section 86(2) of the Constitution;

"Speaker" means the Speaker of the House and includes the Deputy Speaker and any other member elected in accordance with section 73 or 74 of the Constitution by the House to act as such;

"stranger" means any person other than the President, the Speaker, a member or an officer of the House.

PART II

PRIVILEGES AND IMMUNITIES OF THE HOUSE AND ITS OFFICERS

Freedom of
speech
and
debate.

3. Subject to the provisions of the Standing Orders regulating procedure of the House, there shall be freedom of speech and debate in the House and such freedom of speech and debate shall not be questioned in any court of law or place outside the House.

Immunity
from legal
proceedings.

4. No civil or criminal proceedings may be instituted against any member or be liable to be questioned in any court of law or place outside the House for words spoken before, act done in bona fide

pursuance of the House decision or written in a report to, the House or to a committee or by reason of any matter, or thing brought by him therein by petition, Bill, resolution, motion or otherwise or any vote given by him in the House or any committee thereof.

Freedom from arrest for civil debts.

5. No Member shall be liable to arrest for any civil debt except for a debt the contraction of which constitutes a criminal offence, whilst going to, attending at or returning from a sitting of the House or any committee.

Civil process not to be served within precincts of the House.

6. Notwithstanding anything to the contrary, no summons issued by any court of law of Zanzibar or outside Zanzibar the exercise of its civil jurisdiction shall be served or executed within the precincts of the House while the House is sitting or through the Speaker or any officer of the House, nor shall any member be arrested on civil process; save by the leave of the Speaker first obtained while a member, is within the precincts of the House and while the House or a committee is sitting.

Freedom of members to hold meetings in constituencies.

7.(1) Subject to this Act and to any statutory or other provision regulating the convening and organisation of such meetings a member shall be free to hold public meetings in his constituency and all responsible authorities shall facilitate them in a manner as convenient to the members as is possible under the circumstances.

(2) Any person who causes obstruction at such public meeting shall be guilty of an offence and liable to be proceeded against by the relevant authority in accordance with the Law.

Members to be furnished with information.

8. Subject to this Act and to any statutory or other provisions regulating the disclosure of information by public officers, a member may on request through the secretariat, be furnished with information by the public officer concerned.

Right to enter the precincts of the House.

9.(1) No stranger shall be entitled as of right to enter or to remain within the precincts of the House.

(2) The Speaker may issue such orders as he may in his discretion deem necessary or desirable for the regulation of the admittance of strangers to and the conduct of strangers within the precincts of the House.

(3) Copies of Orders made under this section shall be duly authenticated by the Clerk and exhibited in a conspicuous position in the precincts of the House and such copies when so authenticated and exhibited shall be deemed to be sufficient notice to all persons affected thereby.

Power of the Speaker to order withdrawal from precincts of the House.

10. The Speaker or any Officer authorised by the Speaker may at any time order any stranger to withdraw from the precincts of the House.

Jurisdiction and procedure in relation to breaches, contempts, etc.

11.(1) It is declared for the avoidance of doubt that subject to the Constitution and the standing orders of the House, the House has all such powers and jurisdiction as may be necessary for inquiring into, judging and pronouncing upon the commission of any act, matter or thing, not amounting to an offence under this Act, which is a breach of Legislative privilege.

(2) The Speaker shall have the power, subject to the Standing Orders of the House, to determine whether or not any act, matter or thing is one into which the House may inquire, judge and pronounce upon.

(3) The House or as the case may be a committee, may, in relation to any act, matter or thing, recommend to the Speaker that he requests the Attorney-General to take steps necessary to bring to trial any person connected with the commission of any offence under this Act.

(4) The Speaker whether of his own accord or upon a recommendation of a committee report to the Attorney-General all acts, matter and things amounting to an offence under this Act, committed by any person, and the Attorney-General shall proceed in relation to such report in accordance with the Law.

PART III

EVIDENCE

Power to order attendance of witnesses.

12.(1) The House or any standing committee or any sessional committee may, subject to provisions of section 17 and section 19 of this Act order any person to attend before the House or before such committee and to give evidence or to produce any document in the possession or under the control of such person.

(2) The powers conferred by subsection (1) of this section on a sessional committee may be exercised by any other committee which is specially authorized by a resolution of the House to exercise such powers in respect of any matter or question specified in the resolution.

Attendant to be notified by summons.

13.(1) Any order to attend to give evidence or to produce documents before the House or committee shall be the person required to attend or to produce the documents by a summons under the hand of the Clerk issued under the direction of the Speaker.

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(2) In every summons under subsection (1) of this section there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce and the summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in the United Republic of Tanzania with some adult person and there shall be paid or tendered to the person summoned if he does not reside within four miles of the place of attendance specified in the summons such sum for his expenses as may be prescribed by Standing Orders.

(3) A summons under this section may be served by an officer of the House or by a police officer.

Powers to
issue
warrant
to compel
attendance.

14.(1) If a person to whom a summons referred to in section 13 is directed does not attend before the House or the committee at the time and place mentioned therein, the Speaker may upon being satisfied that the summons was duly served or that the person to whom, the summons is directed wilfully avoids service, issue a warrant to apprehend him and bring him at a time and place to be stated in the warrant, before the House or committee.

(2) A warrant issued under this section shall be executed by a police officer.

(3) The Speaker, on the issue of a warrant under this section, may if he thinks fit, by an appropriate endorsement on the warrant, direct that the person named in the warrant be released after arrest on his entering into such a recognizance before a court for his appearance before the House or committee as may be required in the endorsement.

Witness
may be
examined
on oath.

15.(1) The House or an authorized committee may require that any facts, matters and things relating to the subject matter of inquiry before the House or such committee be verified or otherwise ascertained, by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath.

(2) An oath required to be taken under the provisions of this section may be administered by the Clerk or by any other person appointed by the Speaker for that purpose, or, in the case of a witness before a committee, by the Chairman of the committee or by the member presiding in the absence of the chairman, or by the secretary to the committee.

Objection to
answer
question
or to
produce
papers.

16.(1) Where any person ordered to attend to give evidence or to produce any document before the House refuses to answer any question that may be put to him or to produce any such document on the ground that the same is of a private nature and does not affect the subject of inquiry the Speaker may excuse the answering of such question or the production of such document or may order the answering or the production thereof.

(2) Where any person ordered to attend or to give evidence or produce any document before any committee refuses to answer any question that may be put to him or to produce any such document on the ground that the same is of a private nature, and does not affect the subject of inquiry, the chairman of the committee may report such refusal, to the Speaker with the reasons therefor, and the Speaker if satisfied may thereupon excuse the answering of such question or the production thereof.

(3) Subject to the provisions of subsections (1) and (2) of this section any person who refuses to be examined before or to answer lawful and relevant

questions put by the House or committee unless such refusal be excused as herein before provided commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(4) The mode of taking evidence and procedure shall be as provided in the Criminal Procedure Decree Cap.14 of the Laws of Zanzibar.

Privileges
of
witnesses.

17.(1) Subject to the provisions of subsection (3), every person summoned to give evidence or to produce any document before the House or a committee thereof shall be entitled, in evidence or the disclosure of any communication or the production of any such document to the same rights and privileges as before a court of law.

(2) Without prejudice to the generality of the provisions of subsection (1), no public officer shall, except with the consent of the President -

- (a) give, before the House or a committee thereof, any document; or
- (b) produce, before the House or a committee, thereof, any document; or
- (c) furnish to the Secretary of the House any document or information relating to any naval, military or air force matter; nor shall secondary evidence be received by or produced before the House or committee of the contents of any such document.

(3) Unless the President otherwise directs in writing no public officer shall refuse -

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- (a) to give, before the House or a committee thereof any evidence; or
- (b) to produce, before the House or a committee thereof, any document; or
- (c) to furnish to the secretariat of the House any information relating to the correspondence of any civil department or any matter affecting the public service and secondary evidence shall not be received by or produced before the House or a committee of the contents of any such document which the President has directed shall not be produced. Such directions shall only be given when in the opinion of the President it would be contrary to the public interest to give such evidence or to produce such document as aforesaid.

(4) An answer by a person to a question put by the House or a committee shall not except in the case of criminal proceedings under sections 91, 95, 97 and 98 of the Penal Decree or of an offence against this Act, be in any proceedings civil or criminal admissible in evidence against him.

Evidence of proceedings in House or committee not to be given without leave.

18.(1) Notwithstanding the provisions of any other law, no member or officer of the House and no person employed to take minutes of evidence before the House or, any committee shall, save as provided in this Act, give evidence elsewhere in respect of the contents of any document laid before the House or such committee as the case may be, or in respect of any proceedings or examination held before the House or such committee, as the case may be, without the special leave of the House first had and obtained.

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(2) The special leave referred to in subsection (1) of this section may be given during a recess or adjournment by the Speaker or, in his absence or other incapacity or during any dissolution of the House by the Clerk.

Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings.

19.(1) Every witness before the House or an authorised committee who shall answer fully and faithfully any question put to him by the House or such committee to its satisfaction shall be entitled to receive a certificate stating that such witness was upon his examination so required to answer and did answer any such question.

(2) Every certificate under subsection (1) shall in the case of a witness before the House, be under the hand of the Speaker and in the case of a witness before a committee be under the hand of the chairman thereof.

(3) On production of such certificate to any court of law, such court shall stay any proceedings, civil or criminal against such witness for any act or thing done by him before the time and revealed by the evidence of such witness, and may, in its discretion, award to such witness the expenses to which he may have been put.

False evidence Cap.13.

20. Any person who before the House or any authorised committee intentionally gives a false answer to any question material to the subject of inquiry which may be put to him during the course of any examination shall be guilty of an offence and shall be punishable as if he has committed an offence under section 111 of the Penal Decree.

Interference with witnesses.

21. Any person who -
(a) tampers with, or deters, threatens, molests, beguiles or in any way unduly influences any witness in regard to any evidence to be given by him before the House or any committee; or;

- (b) threatens, molests or in any way punishes
damnifies or injures or attempts to punish
damnify or injure any person for having
given evidence which he has given before
the House or any committee;

shall be guilty of an offence and shall be liable
on conviction to a fine not less than six thousand
shillings and not exceeding fifteen thousand shillings
or to imprisonment for a term not less than three
months and not exceeding twelve months or to both such
fine and imprisonment.

False
documents.

22. Any person who presents to the House or to any
committee any false, untrue fabricated or falsified
document with intent to deceive the House shall, where
such presentation does not constitute an offence under
section 20, be guilty of an offence and shall be liable
on conviction to punishment as if he committed an
offence under section 310(1) of the Penal Decree.

Contempt.

23. Any person shall be guilty of an offence who -
- (a) having been called upon to give evidence
before the House or an authorised committee
thereof refuses to be sworn or make an
affirmation; or
 - (b) being a witness misconducts himself; or
 - (c) causes an obstruction or disturbance within
the precincts of the House Chamber during
a sitting of the House or of a committee thereo
or
 - (d) shows disrespect in speech or manner towards
the Speaker or Chairman of the committee; or
 - (e) commits any other act of intentional disrespect
to or with reference to the proceedings of the
House or of a committee of the House or to
any person presiding at such proceedings,

shall on conviction be liable to a fine not less than three thousand shillings and not exceeding five thousand shillings or to imprisonment for a term not less than one month and not exceeding six months or to both such fine and imprisonment.

Questions relating to evidence and production of documents before the House or a committee to be determined in accordance with usage of Parliament.

24. Where at any time any questions arise in the House or in a committee regarding -

- (a) the right or power of the House or committee to hear, admit or receive oral evidence; or
- (b) the right or power of the House or committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the House or committee; or
- (c) the right or privilege of any person including a member of the House or committee; that question shall, subject to the preceding provisions of this Act, and except in so far as express provision is made in these provisions for the determination of that question, be determined in accordance with the usage and practices of Legislatures.

PART IV

OFFENCES AND PENALTIES

Proceedings to be deemed judicial proceedings for certain purposes of Cap.13.

25. Any proceedings before the House or a committee thereof at which any person gives evidence or produces any document, shall be deemed to be judicial proceedings for the purposes of section 91, 95, 97 and 98 of the Penal Decree.

Offences relating to admittance to the House.

26. Any person who -
- (a) being a stranger enters or attempts to enter the precincts of the House in contravention of any order of the Speaker; or
 - (b) being a stranger fails or refuses to withdraw from the precincts of the House when ordered to withdraw therefrom by the Speaker; or
 - (c) being a stranger, contravenes any order made under this Act by the Speaker regulating the admittance of strangers to the precincts of the House or any rule made by the Speaker under the Standing Orders; or
 - (d) attends any sitting of the House as the representative of any news reporter after the general permission granted under any order made under this Act or under the Standing Orders to the representative of that news reporter has been revoked,

shall be guilty of an offence and shall, on conviction be liable to a fine not less than three thousand shillings and not exceeding five thousand shillings or to imprisonment for any term not less than one month and not exceeding six months or to both such fine and imprisonment.

Corrupt or improper practice.

27.(1) Any person who offers to any member or officer or to any person who is an employer, or a partner either directly or indirectly any bribe, fee, compensation, gift or reward in order to influence such member or officer in his conduct as such member or officer or for or in respect of the promotion of or opposition to any Bill, resolution, matter, rule or thing submitted to, or intended to be submitted to, the House shall be guilty of an offence.

(2) Any member or officer or any person who is an employer, a partner who demands, accepts, or receives, directly or indirectly, any bribe, fee compensation, gift or reward the offering of which is or would be an offence under this section shall be guilty of an offence.

(3) Any person who commits an offence under this section shall be liable on conviction to a fine not less than fifty thousand shillings or to imprisonment for a term not less, than three years or to both such fine and imprisonment.

(4) In any proceedings against any person for an offence under this section the court may, if it finds the offence proved -

(a) order that the value or the amount of any bribe, fee, compensation, gift or reward offered or accepted or received in contravention of this section shall be forfeited; or

(b) order that the amount or the value of any bribe, fee, compensation, gift or reward accepted or received in contravention of this section shall be repaid by the person accepting or receiving the same, or by the person on whose behalf the same was accepted or received, or by the person on whose behalf such latter person was acting.

Other offences against members and officers.

28.(1) Any person who -

(a) assaults, obstructs or insults any member or officer going to or coming from the precincts of the House Chamber, or any place where a committee meets; or

- (b) endeavours to compel either directly or indirectly any member by force, insult or menace to declare himself in favour of or against any Bill, resolution, matter, rule or thing submitted to or intended to be submitted to the House; or
- (c) assaults, interferes with, resists or obstructs any officer while in the execution of his duty; or
- (d) sends to any member any threatening letter, or challenges any member to a fight on account of his conduct such member, commits an offence.

(2) Any person who is guilty under the provisions of subsection (1) of this section shall on conviction be liable to a fine not less than fifty thousand shillings or to imprisonment for a term not less than three years or to both such fine and imprisonment.

Disobedience.

29. Any person who wilfully and without lawful excuse fails to comply with or contravenes any order made under section 10 or 14 of this Act, creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the House or any committee while the House or committee is sitting or who wilfully fails to obey any other order of the House and disturbs the performance of its functions, commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand shillings or upon failure to pay such fine, to imprisonment for a term not exceeding twelve months:

Provided that no offence is committed under this section unless the Speaker or an officer has drawn to the attention of the persons concerned the fact that such failure or contravention is contrary to such order and the person thereafter continues in such failure or contravention as aforesaid.

17/....

Other offences.

30. Any person who -
- (a) publishes any false or scandalous, libel on the House or any report which wilfully misrepresents in any way any proceedings of the House or any committee;
 - (b) publishes save by the general or special leave of the House a report of any proceedings of the House or any committee when proceedings have not been held in public; or
 - (c) publishes save by the general or special leave of the House any paper report or other document prepared expressly for submission to the House before the same has been laid on the Table of the House; or
 - (d) prints or causes to be printed a copy of any Act now or hereafter in force or a copy of any report paper or journals of the House as purporting to have been printed by the Government Printer or by or under the Authority of the House or of the Speaker and the same is not so printed; or
 - (e) tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed; or
 - (f) publishes or prints any libels on any member concerning his character or conduct as a member and with regard to action performed or words uttered by him in the course of the transaction of the business of the House,
- shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Acceptance
of bribes
by
members.

31. Any Member who accepts or agrees to accept or obtains or attempts to obtain for himself or for any other person any bribe, fee, compensation, regard or benefit of any kind for speaking, voting or acting as such member or for refraining from so speaking, voting or acting on account of his having so spoken, voted or acted or having so refrained shall be guilty of an offence and shall be liable on conviction to a fine not less than fifty thousand shillings or to imprisonment for a term not less than three years or to both such fine and imprisonment.

Protection
of person
responsible
for
publications
authorized
by the
House.

32. Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant by order or, under the authority of the House of any reports, papers, minutes, votes and proceedings, may, on giving to the plaintiff or prosecutor as the case may be, forty-eight hours written notice of his intention to bring before the court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker that the reports, papers, minutes, votes and proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servants by order or under the authority of the House together with an affidavit verifying such certificate and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Publication
of
proceedings
without
malice.

33. In any civil proceedings instituted for publishing any report or summary of or, any extract from or abstract of any report, paper, minutes, votes and proceedings of the House, if the court be satisfied that such report, summary, extract or abstract was published bona fide and without malice, judgement shall be entered for the defendant.

Unqualified
person
sitting or
voting in
House.

34.(1) Any person who -

- (a) having been elected or appointed a member of the House but not having complied with the necessary formalities that enable him to sit in the House, or votes in the House; or
- (b) sits or votes in the House after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing or having reasonable grounds to believe that he has not complied with the necessary formalities or that his seat has become vacant as the case may be, shall on conviction be liable to a fine of two thousand shillings for every day upon which he so sat and voted.

(2) The fine prescribed by subsection (1) of this section shall be recoverable by action in the High Court of Zanzibar at a suit of by the Attorney-General and when recovered, shall be credited to the general revenue of the Revolutionary Government of Zanzibar.

PART V

GENERAL PROVISIONS

No arrest
without
the consent
of the
Attorney-
General.

35. No member shall be arrested or detained for accusation of committing criminal offence or civil wrong for an offence committed in the course of exercising his duties unless a writing consent is given by the Attorney-General:

Provided that a verbal consent may be given by Attorney-General and followed by a written consent not more than 48 hours from the time the verbal the verbal consent was given.

Information as to the arrest of member.

36.(1) When a member is arrested on a criminal charge or for criminal offence or is sentenced to imprisonment by Court, the committing authorities shall immediately intimate such fact to the Speaker indicating the reason for the arrest, detention or conviction as the case may be, and also the place of detention or imprisonment of the member.

(2) When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned.

(3) It shall be the right of the House to receive from the Speaker immediate information of the arrest, detention, conviction, imprisonment and release of a member.

Declaration to be made within three months.

37. Subject to the provisions of section 70 of the Constitution every member of the House shall declare his property and forward the said declaration to the Speaker within three months from the date of his election or nomination as a member to the House.

Powers of Speaker and officers not subject to jurisdiction of courts.

38. Neither the Speaker nor any officer of the House shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or such officer by or under this Act.

Powers of sergeant at arms.

39. Every sergeant at arms of the House shall for the purposes of this Act and of the application of the provisions of the criminal law have all the powers and enjoy all the privileges of a police officer.

Powers of arrest.

40. Any sergeant at arms of the House may arrest without warrant -

(a) Any person who commits any offence contrary to section 30 or 31 in his presence;

- (b) any person within the precincts of the House who he reasonably suspects of having committed or being about to commit an offence contrary to any of the said section.

Sanctions for prosecutions.

41. No prosecution for an offence under this Act shall be instituted except with the written sanction of the Attorney-General of Zanzibar.

Journals printed by order of the House to be admitted as evidence.

42. Upon any inquiry touching the privileges, immunities and power of the House or of any member any copy of the journals or Standing Orders printed or purporting to be printed by the Government Printer or any copy of the journals or Standing Orders duly authenticated as such under the hand of the Clerk shall be admitted as evidence of such journals or standing orders in all courts and places without any further proof having to be given.

Powers to be supplementary to powers under the Constitution.

43. The powers of the House and of the Speaker under this Act shall be supplementary to any powers conferred by the Constitution or Standing Orders.

Absence of the Speaker.

44.(1) For the purposes of this section "absent" in relation to the Speaker or the Deputy Speaker, means -

- (a) that the office of Speaker or the office of Deputy Speaker is vacant; or
- (b) that the Speaker or the Deputy Speaker is incapable of or is from any cause prevented from performing the duties of the office of Speaker; or
- (c) that the Speaker or the Deputy Speaker is absent from the sitting of the House.

(2) For the duration of any period during which the Speaker is absent the powers and privileges vested in the Speaker by this Act shall be vested in the Deputy Speaker.

(3) For the duration of any period during which both the Speaker and the Deputy Speaker are absent -

(a) the powers and privileges vested in the Speaker by the provisions other than sections 19 and 32 of this Act shall -

(i) in so far as they relate to any matter arising at a sitting of the House for the transaction of business be vested in such member of the House as may be elected by the House by virtue of the provisions of section 81 of the Constitution to preside at the sitting of the House when such matters arise; and

(ii) in so far as they relate to any other matter be vested in such member of the House; and

(b) the powers vested in the Speaker by sections 19 and 32 shall be vested to the Clerk

Allegation on the mental condition of member.

45.(1) Where it is alleged that a member of the House is of unsound mind or suffers from mental illness, the Speaker shall appoint a panel of three people who are not Members of the House to inquire into the allegation and submit their report to the Speaker.

(2) The panel appointed under subsection (1) of this section shall consist of -

(a) a Judge of the High Court of Zanzibar as Chairman; and

(b) two medical doctors who specialize in the field of psychiatrics.

(3) The Speaker after having received the report and finding of the panel shall inform the House of the finding of the panel and make his decision which shall be final and not questioned by any Court of Law.

Procedure
for
filing
a suit at
High Court.

46.(1) Subject to the provisions of section 72 of the Constitution any person who questions or challenges the membership of a member shall not file his suit before the High Court without obtaining a prior written consent of the Attorney-General of Zanzibar.

(2) Subject to the provisions of section 72 of the Constitution, any person who questions or challenges the decision made to disqualify a member and declare his seat vacant shall, prior to the filing of his case before the High Court obtain a written consent of the Attorney-General of Zanzibar.

(3) No person shall have the right to file a suit under the provisions of subsections (1) and (2) of this Act after the expiry of three months from the date on which the cause of action arose.

Head of the
Civil
Services
to issue
circular to
clarify on
rights
and
privileges.

47. The Head of the Civil Service shall, after he has been directed to do so by the relevant authorities in the Government, issue circulars explaining and elaborating the rights and privileges of Members in the following :-

- (a) salary;
 - (b) sitting allowance;
 - (c) constituency allowance;
 - (d) acting allowance;
 - (e) travelling allowance;
 - (f) holidays and holiday allowance;
 - (g) transport;
 - (h) loans;
 - (i) medical treatment;
 - (j) V.I.P. treatment;
 - (k) service after the completion of their terms in the House;
- (1) rights and privileges of members of the House who at the same time are members of Parliament of the United Republic of Tanzania;

- (m) insurance;
- (n) housing;
- (o) telephone; and
- (p) other privileges.

Duties
of
member.

48. A member shall in addition to the duties provided under section 88 of the Constitution have the following duties :-

- (a) to guard the integrity of the House and not involving himself in acts leading to criminal or civil offences;
- (b) to use sittings of the House and Committees to defend the rights and interests of the citizen in accordance with the policy and Party ideology;
- (c) to encourage citizens to take part in self-reliance activities;
- (d) to protect the constitutions of Zanzibar, United Republic of Tanzania and Chama cha Mapinduzi.

No
enforcement
of
judgments
before
expiry of
period
allowed
for appeal.

49. Subject to section 67(4) of the Constitution and other relevant provisions of the Constitution no judgement or order against any member of the House who commits any civil or criminal offence shall be enforced before the expiry of the period allowed for appeal or where no period is provided for appeal no enforcement shall be made before the expiry of two months from the day the judgment or order was delivered.

Regulations.

50. The Minister may make Regulations for the better carrying out of the provisions of this Act.

Repeal of
The
Council's
Decree
1/56.

51. The Councils Decree No.1/1956 of
the Laws of Zanzibar is hereby repealed.

Passed in the House of Representatives
on the 14th day of March, 1990.

Khande

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