



THE LOCAL GOVERNMENT (DISTRICT AND URBAN
AUTHORITY) (AMENDMENT) ACT, 1992

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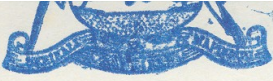
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ACT NO. 11 OF 1992

I ASSENT



SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL.

8th Oct.
....., 1992

AN ACT TO AMEND THE LOCAL GOVERNMENT
ACT, 1986

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY

Short title
and
Commencement.

1.(1) This Act may be cited as the Local Government (District and Urban Authority) (Amendment) Act, 1992 and shall come into operation on such date as the Minister may by notice in the Gazette appoint.

(2) This Act shall be read as one with the Local Government Act, 1986, in this Act referred to as "the Principal Act".

Amendment
of
Section 2.

2. Section 2 of the principal Act is hereby amended as follows :-

(a) by deleting the definition "the Party" and substituting for it the following definition :-

"Political Party" means a political party registered as such under the Political Parties Act, 1992.

(b) by adding immediately after the definition "award" the following definitions :-

2/.....



"Sheha" means an officer appointed as such under the provisions of this Act;

"Shehia" means all that area of jurisdiction formerly known as Chama cha Mapinduzi Branch.

PART II
CONSTITUENT GOVERNMENT

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acement
ection 4.

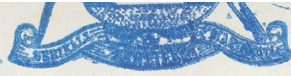
3. Section 4 of the principal Act is hereby repealed and replaced by the following new section :-

"Qualification
of candidate
for
Constituent
Government.

4.(1) A person shall be elected as a member of a Constituent Government or stand as a candidate at an election for Constituent Government if he is qualified for election.

(2) A person shall be qualified for election if he satisfies the following conditions that is to say :-

- (i) he is a Zanzibari who has attained the age of twenty one years or above;
- (ii) he is an ordinary resident within the area of jurisdiction of the Local Authority;
- (iii) he can read and write in Kiswahili or English;
- (iv) he is a member of and sponsored by a political Party registered as such under the Political Parties Act, 1992 by an Act of Parliament;
- (v) he has experience in the service of the Government; and
- (vi) he has a lawful means of livelihood."



Amendment
of
Section 5.

4. Section 5 of the principal Act is hereby amended by deleting the word "branch" which appears in subsections(2) and (3) thereof and substituting for it the word "Shehia".

Amendment
of
Section 8.

5. Section 8 of the principal Act is hereby amended in subsection (3) by deleting that subsection and substituting for it the following :-

"(3) The Constituent Government shall also be responsible for the implementation of the Government directives which may from time to time be given by the Regional or District Commissioner."

PART III

THE TOWNSHIP AUTHORITY

Addition of
new
Section 27A.

6. The principal Act is hereby amended by adding immediately after section 27 the following new section :-

"Establishment
of Shehia.

27A.(1) Every area of jurisdiction formely known as Chama cha Mapinduzi Branch is hereby established a Shehia.

(2) Every Shehia shall consist of :-

(a) a Sheha who shall be the Chief Government Executive of that area and shall be appointed by the Regional Commissioner in consultation with the District Commissioner of that area;

(b) ten other elder persons who shall be appointed by the District Commissioner in consultation with the Sheha and who shall be advisers to the Sheha.



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(3) Every Sheha and his advisers shall hold the office at the pleasure of the Regional Commissioner.

(4) Every Sheha shall not enter upon the duties of his office, unless he has taken and subscribed an Oath of Allegiance before the Regional Commissioner.

addition of
new section
27B.

7. The principal Act is hereby amended by adding immediately after section 27A the following new section :-

"Qualifications
of Sheha.

27B. A person shall be qualified to be a Sheha if he satisfies the following conditions :-

- (i) he is an adult, who has attained the age of 40 years;
- (ii) he is originated in that Shehia and is accepted by his residents;
- (iii) he can read and write (even in arabic) and he has an experience in the leadership;
- (iv) he is a person of good character and he was not previously convicted of any offence;
- (v) he has residence within the area of jurisdiction of that Shehia;
- (vi) he holds no other office in the Government, and he has no other business which caused him to travel for so long or frequently;
- (vii) he is not a leader of a political party but he can be a member of a political party."

addition of
new section
in 27C.

8. The principal Act is hereby amended by adding immediately after section 27B the following new section :-

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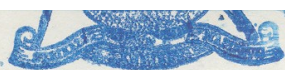
Functions
of the
sheha.

27C.(1) Every Sheha shall be responsible for :-

- (a) implementing all the Government laws, orders Policies and directives;
- (b) settlement of all social and family disputes arising in that area in accordance with the customary laws of that area;
- (c) keeping records of all documents relating to the registration of marriage, divorce, births and deaths certificates, ngoma permits, transportation of crops, livestock, slaughtering animals, charcoal permits and so forth as directed from time to time by the institutions concerned;
- (d) the control of immigration in his Shehia and keeping records thereof;
- (e) for convening all public meetings in his area regardless of the political view of any individual in the development of social affairs and implementation of Government policies;
- (f) to do all other things which he has been assigned by the District Commissioner;

(2) In the exercise of his functions under this Act, the Sheha shall not be subject to the orders or directions of his advisers.

(3) Every sheha shall be answerable to the District Commissioner of that area.



PART IV
URBAN AUTHORITIES

Amendment of section 43. 9. Section 43 of the principal Act is hereby amended as follows :-

- (i) by deleting the phrase "and Party policies" which appears in the last line of that section;
- (ii) by putting the full stop immediately after the word "Government";
- (iii) by deleting the phrase "and party guidelines" which appears in the marginal notes and substituting for it the word "Government".

PART VI
THE DISTRICT AND REGIONAL GOVERNMENTS

Amendment of section 66. 10. Section 66 of the principal Act is hereby amended in subsection (3) by deleting paragraph (h) and substituting it for the following :-

"(h) Subject to laws in force, national policies and programmes of the Government, to do all such acts and things as may be done by the People's Government at the districts level."

Amendment of section 69. 11. Section 69 of the principal Act is hereby amended in subsection (2) as follows :-

- (i) by deleting paragraphs (b), (c), (d), (g) and (h) of the subsection;
- (ii) by renumbering paragraphs (e), (f), (i) and (j) as (b), (c), (d) and (e) respectively.

7/.....



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PART VII
GENERAL PROVISIONS

Amendment of
section 78.

12. Section 78 of the principal Act is hereby amended in subsection (1) by deleting the words "Party and the" which appear in the second line of paragraph (c).

Passed in the House of Representatives on the
16th day of September, 1992.

K Chamde

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.