



THE CONSTITUTION (CONSEQUENTIAL, TRANSITIONAL
AND TEMPORARY PROVISIONS) ACT, 1992.

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ACT NO.3 OF 1992

I ASSENT

Salim Amour

SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL.

... *26 June*, 1992.

AN ACT TO MAKE PROVISIONS CONSEQUENTIAL UPON
THE AMENDMENT OF THE CONSTITUTION OF ZANZIBAR,
1984, AND FOR MATTERS CONNECTED WITH THE
AMENDMENT OF THAT CONSTITUTION.

Short title
and
commencement.

1.(1) This Act may be cited as the Constitution
(Consequential, Transitional and Temporary Provisions)
Act, 1992 and shall be read as one with the Fifth
Constitutional Amendment Act, 1992, entitled in Kiswahili
"Sheria ya Mabadiliko ya Tano ya Katiba ya Zanzibar,
1992" and referred to in this Act as "the Act".

(2) This Act shall come into operation on the
date of commencement of the Act.

Interpretation.

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

"the Constitution" means the Constitution of
Zanzibar 1984;

"existing law" means the written and unwritten law
of Zanzibar as it exists immediately before
the commencement of the Act, and for the
avoidance of doubt it is hereby declared that it
includes any law enacted or made by any
enactment or instrument passed or made before
or after the commencement of the Constitution;



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"Minister" means the Minister for the time being responsible for legal affairs.

This Act to prevail over the Constitution.

3. The provisions of this Act shall have effect notwithstanding anything contained in the Constitution.

Existing law to continue.

4.(1) Without prejudice to the repeal, revocation or amendment of any existing law, with effect from the commencement of this Act, the existing law shall continue to be the law of Zanzibar after the commencement of the Act except in so far as it is amended, modified, repealed or revoked by competent authority or any provision if it expires after the commencement of the Act.

(2) The existing law shall be construed with such modifications, adaptations, qualifications and exception as may be necessary to bring it into conformity with the provision of the Constitution or of this Act; and for the avoidance of doubt it is hereby declared that, subject to the modifications, adaptations, qualifications and exception with which the existing law shall be construed and subject also to the other provisions of this Act, the operation of the existing law after the commencement of the Act shall not be affected by the amendment of the Constitution.

(3) The President may, at any time before the coming election, by order published in the Gazette, make such amendment to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Act and the Constitution or for giving effect or enabling effect to be given to those provisions.

Constitutional requirements fulfilled by existing law.

5. Where any matter that falls to be prescribed or provided for under the Constitution by any Act of the House of Representatives or by any other authority or person is prescribed or provided for under existing law

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(including any amendment made to that law under section 4 of this Act) or is prescribed or provided for immediately before the commencement of the Act or under the Constitution or for the purpose of the Constitution, that prescription or provision shall, as from the commencement of the Act have effect as if it has been made under the Constitution by the Act of the House of Representatives or, as the case may be, by the other authority or person.

Pending matters.

6. Where any matter or thing has been commenced, or any step has been taken, before the commencement of this Act, by any person or authority having power for that purpose under existing law, the matter or thing may be carried on and completed and further steps may be taken by the person or authority having power for that purpose on or after the commencement of this Act, and it shall not be necessary for the latter person or authority to reconsider the matter or thing or take the step afresh.

Existing Public Offices and Officers.

7.(1) Subject to the provisions of subsections (2) and (3) of this section, every person, who, immediately before the commencement of the Act, hold or is acting in any office established by or under any of the provisions of the Constitution amended by the Act shall, so far as is consistent with the provisions of the Act, and of the Constitution be deemed from the commencement to have been elected or appointed to the like office or to act in the like office established by or under the Act and shall be deemed to be in the service of the Government of Zanzibar and to have complied with any requirement of the Constitution or, of other written law, to take and subscribe any oath on election or appointment of office.

(2) Any person who, under the amended Constitution or existing law, would be required to vacate his office at the expiration of any period or on that attainment of any age shall vacate his office at the expiration of that period or upon the attainment of that age.



(3) The provisions of this section shall apply without prejudice to the powers conferred by or under any law upon any person or authority to make provisions for the abolition of offices to remove persons holding or acting in offices, or to require persons to retire from office.

(4) Subject to the provisions of the Constitution or any law in relation to persons in the public service; any person who is a public officer and who immediately before the commencement of this Act holds any office in, or is seconded to the Chama cha Mapinduzi, shall after the commencement of this Act, continue to be a public officer in the Civil Service of Zanzibar Government.

Continuation
of the House
of
Representatives
established
under the
Constitution.

8.(1) Subject to the provisions of subsection (2) of this section, but notwithstanding the enactment of the Act and the provision of that Act relating to the composition of the House of Representatives, the Speaker and the person who, immediately before the commencement of the Act are members of the House of Representatives under the Constitution shall continue to be Speaker and members respectively of, and to constitute, the House of Representatives under this Act and the Constitution until the next dissolution of the House made after the commencement of the Act and in accordance with the provisions of the Act as incorporated into the Constitution.

(2) The provisions of subsection (1) of this section shall apply without prejudice to the operation of the provisions of the Constitution relating to vacation of the office of Speaker or seat of a member of the House of Representatives in the circumstances prescribed by the Constitution.

(3) The standing rules and orders and other rules of procedure of the existing House of Representatives as in force immediately before commencement of this Act shall, except as may be otherwise provided by the House of representatives, continue to be the Standing Rules and



Orders and rules or procedure of the House of Representatives after the commencement of the Act but shall be construed with such modifications, adaptations, qualification and exceptions as may be necessary to bring them into conformity with the Constitution.

The President of Zanzibar and Chairman of Revolutionary Council and Members of Revolutionary Council of Zanzibar.

9.(1) Subject to the provisions of subsection (2) of this section, but notwithstanding the enactment of the Constitution or Act and the provisions in that Constitution or Act relating to the election of the President and Chairman of the Revolutionary Council of Zanzibar and the composition of the Revolutionary Council of Zanzibar, the President of Zanzibar and the person who, immediately before the commencement of the Act are members of the Revolutionary Council of Zanzibar in accordance with the Constitution shall continue to be the President and Chairman and members respectively of, and constitute, the Revolutionary Council, under this Act until the next election of the President of Zanzibar and the appointment of the members of the Revolutionary Council made after the Act and in accordance with the provisions of Act as incorporated into the Constitution,

(2) The provisions of subsection (1) of this section shall apply without prejudice to the operation of the provisions of the law in force in Zanzibar relating to the vacation of the office of President of Zanzibar or the termination of the appointment of any person to membership of the Revolutionary Council in the circumstances prescribed by or under that Law.

Special transitional provisions.

10.(1) Notwithstanding any other provision of this Act, with effect from the commencement of the Act and this Act, and until the expiration of one hundred and eighty days -

- (a) no election or by-election shall be held for the purpose of filling any vacancy in the office of President of Zanzibar;
- (b) no election or by-election shall be held or any appointment made for the purposes of filling any vacancy in the House of Representatives;



(c) no election or by-election shall be held for the purposes of filling any vacancy in the office of Mayor, Chairman or member of any local government authority.

(2) Notwithstanding any other provision of this Act, until the expiration of one hundred and eighty days from the commencement of the Act, no subvention shall be disbursed by the Government to any political party.

(3) Until such time as the House of Representatives makes provision in substitution for sections 27 and 28 of the Constitution to provide for the procedure for the election of the President of Zanzibar, which procedure shall make it possible for all registered political parties to participate in such election, no election of the President shall be held, and sections 27 and 28 of the Constitution shall not apply; save that where the Office of President falls vacant in circumstances prescribed in section 34 and such vacancy occurs within the one hundred and eighty days referred to in subsection (1), then no election of the President shall be held until the House of Representatives makes such provisions as aforesaid, and the period of ninety days referred to in section 34 of the Constitution shall be construed to be a period of not more than one hundred and eighty days.

(4) All functions which immediately before the commencement of this Act were vested in the President or in any other person or authority shall as far as the same continue in existence and are capable of being exercised after the commencement of this Act, be vested in the President or the other person or authority exercising similar functions under the Constitution, as the case may be, except such functions as are by this Act or any other law vested in some other authority.



Prerogatives
and
privileges
of the
President.

11. Where under the existing laws any prerogatives or privileges are conferred on or vested in the President, those prerogatives or privileges shall, after the commencement of this Act, continue to be conferred on or to vest in the President.

Rights,
liabilities
and
obligations.

12.(1) Notwithstanding the commencement of the Act, the establishment of political parties in addition to Chama cha Mapinduzi and the cessation of the exercise by the party of final authority in relation to public affairs in accordance with existing law shall not :-

- (a) affect the previous operation of any decisions made by the party and carried out by person or the Government in pursuance of any provision of existing law;
- (b) affect any right, privilege, obligation or liability acquired accrued or incurred under any provision of existing law;
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any decision lawfully made by or under lawful authority of the party in pursuance of any provision of existing law;
- (d) affect any investigation, legal proceedings, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceedings, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Act had not been enacted.

(2) For the avoidance of doubt it is hereby declared that all rights, liabilities and obligations of the Party or its agent and of the President or any public officer on behalf of the Government or of any other person before the commencement of the Act and this Act shall, on and after the commencement of the Act and this Act, be rights, liabilities and obligations of the Party or its agent, or the President or such public officer on behalf of the Government or of any such other person, as the case may be.



Legal proceedings.

13.(1) Any proceeding pending immediately before the commencement of this Act before the High Court of Zanzibar established by the Constitution may be confirmed and concluded, and decrees, judgement and orders in that proceeding may be given and perfected after the commencement of the Act before and by the High Court established by the Constitution.

(2) Every decree, judgement or order given or perfected by the High Court of Zanzibar established by the Constitution which shall not have been fully executed or enforced before the commencement of the Act by the High Court and, in so far as they have jurisdiction, by courts subordinate to the High Court.

Repeal of Act No.9/91 transitional and saving.

14.(1) Act No.9 of 1991 (the Fourth Constitutional Amendment Act 1991) is hereby repealed.

(2) Any orders, directions, appointment and other acts lawfully made or done under a provision of any existing law or any enactment repealed and in force immediately before the coming into effect of this Act shall continue to have effect accordingly.

Passed in the House of Representatives on the 15th day of May, 1992.

KhChande

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.