

**THE FIFTH CONSTITUTIONAL AMENDMENT
ACT NO.2 OF 1992**

ARRANGEMENT OF SECTIONS

SECTION	TITLE
1.	Short title and Commencement.
2.	Interpretation.
3.	Amendment of Heading of Chapter I.
4.	Amendment of section 2.
5.	Repeal and replacement of section 5.
6.	Amendment of section 10.
7.	Amendment of section 12.
8.	Amendment of section 26.
9.	Amendment of section. 32.
10.	Amendment of section 41. 11.
11.	Amendment of section 50.
12.	Amendment of section 53.
13.	Repeal and replacement of section 65.
14.	Amendment of section 66.
15.	Amendment of section 67.
16.	Amendment of section 71.
17.	Amendment of section 88.
18.	Amendment of section 116.
19.	Amendment of section 120.
20.	Amendment of section 128.
21.	Amendment of section 133.



ACT NO. 2 OF 1992

I ASSENT

Salmi Amour

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

26 June
....., 1992.

AN ACT TO AMEND THE CONSTITUTION OF ZANZIBAR,
1984 AND MATTERS CONNECTED THEREWITH.

Short title
and
commencement.

1.(1) This Act may be cited as the Fifth Constitutional Amendment Act, 1992 and shall be read as one with the Constitution of Zanzibar 1984.

(2) This Act shall come into operation on such date as the Minister may by notice in the Gazette appoint.

Interpretation.

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

"the Constitution" means the Constitution of Zanzibar, 1984;

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

Amendment of
Heading of
Chapter I.

3. The heading in Chapter one is hereby amended by deleting the word "chama" and shall be read as follows:

"SURA YA KWANZA
ZANZIBAR NA WATU
Sehemu ya Kwanza
Zanzibar."

<p>Amendment of section 2.</p>	<p>4. Section 2 of the Constitution is hereby amended in subsection (2) by deleting the words "au kukubaliwa na Chama cha Mapinduzi" which appear in the last line of that subsection.</p>
<p>Repeal and replacement of section 5.</p>	<p>5. Section 5 of the Constitution is hereby repealed and replaced by the following new section:-</p> <p>"Zanzibar Zanzibar shall be a state of multi-party democracy which shall respect the state of Constitution, Rule of Law principles of human multiparty rights, equality, and Justice." democracy.</p>
<p>Amendment of section 10.</p>	<p>6. Section 10 of the Constitution is hereby amended in subsection (3) by deleting the phrase "kwa mujibu wa sera za Chama" which appears in the second and third line of that subsection.</p>
<p>Amendment of section 12.</p>	<p>7. Section 12 is hereby amended in subsection (4) by adding the words "chochote" between the words "chama" and "na" which appear in the third line of that subsection.</p>
<p>Amendment of section 26.</p>	<p>8. Section 26 of the Constitution is hereby amended in subsection (2) by adding the word "wakuzaliwa" between the word "Mzanzibari" and the word "na" which appear in paragraph (a).</p>
<p>Amendment of section. 32.</p>	<p>9. Section 32 of the Constitution is hereby amended in subsection (2) by repealing paragraph (c) and replacing it for the following:-</p> <p>"(c) The Chief Justice shall certify accordingly under his hand, after considering the Committees report that the President is unable by, reason of physical or mental infirmity to exercise the function of</p>

<p>Amendment of section 41.</p>	<p>the office and cause the certificate to be conveyed to the Speaker of the House of Representatives who shall lay it before the House for information”.</p> <p>10. Section 41 of the Constitution is hereby amended as follows:-</p> <p>(a) by adding the following new subsection immediately after subsection (2):-</p> <p>“(2A) The Attorney-General shall attend all the sittings of the Revolutionary Council and shall have all the rights as Member of that Council.”</p> <p>(b) in subsection (3) by deleting paragraphs (c) and (d).</p>
<p>Amendment of section 50.</p>	<p>11. Section 50 of the Constitution is hereby amended by deleting the words “mbali na kuzingatia siasa na ni maagizo ya chama” which appear in the first line of that section.</p>
<p>Amendment of section 53.</p>	<p>12. Section 53 of the Constitution is hereby amended as follows:-</p> <p>(a) by deleting subsection (1) and replacing it for the following new subsection:-</p> <p>“53.(1) There shall be an Attorney-General for Zanzibar who is a Zanzibari and who shall be appointed by the President”;</p> <p>(b) by adding subsection (3) as follows:-</p> <p>“(3) The Attorney-General shall be a member of the House of Representatives by virtue of his post and shall hold that membership until his appointment be revoked by the President or immediately before the</p>

<p>Repeal and replacement of section 65.</p>	<p>elected President takes the office”.</p> <p>13. Section 65 of the Constitution is hereby repealed and replaced by the following new section:-</p> <p>65.(1) There shall be not more than ten women members of the House of Representatives who are Zanzibaris and who shall be nominated by fully registered political parties.</p> <p>(2) Every political party which has won more than ten per cent (10%) of the constituency seats in the House of Representatives, shall nominate such number of women prescribed in subsection (1) and recommend the names to the Zanzibar Electoral Commission in accordance with rules of representation among political parties that won the election.</p> <p>(3) The Zanzibar Electoral Commission, after being satisfied that any nominated woman is qualified to be a member of the House of Representatives in accordance with the provision of section 66 of this Constitution, shall forthwith declare her as a member of the House”.</p>
<p>Amendment of section 66.</p>	<p>14. Section 66 of the Constitution is hereby amended by deleting paragraph (d) and substituting it for the following:-</p> <p>“(d) he is a member of and sponsored by a political party registered as such under the Political Parties (Registration) Act, 1992”.</p>
<p>Amendment of section 67.</p>	<p>15. Section 67 of the Constitution is hereby amended:-</p> <p>(a) in subsection (1) by deleting paragraphs (g), (h), (i) and (j);</p>

Amendment of section 71.

(b) by deleting subsections (7), (8) and (9).

16. Section 71 of the Constitution is hereby amended in subsection (1) by deleting paragraph (e) and replacing it for the following:-

“(e) the member has ceased to be a member of the political party which had proposed the member as candidate”.



- 5 -

Amendment of
section 88.

17. Section 88 of the Constitution is hereby amended -

- (a) by deleting subsection (1);
- (b) subsection (2) to be section 88;
- (c) by deleting the words "kama zilivyoelezwa kwenye kijifungu (1)" which appear in the second line of that section.

Amendment of
section 116.

18. Section 116 of the Constitution is hereby amended -

- (a) in subsection (1) by deleting paragraph (d);
- (b) paragraph (e) to be (d).

Amendment of
section 120.

19. Section 120 of the Constitution is hereby amended by adding subsection (4) as follows :-

"(4) No person who is a member of Vikosi vya SMZ shall be allowed to participate in any way in political activities; save that he has the right to vote in accordance with section 7 of the Constitution."

Amendment of
section 128.

20. Section 128 of the Constitution is hereby amended by deleting subsection (3) and replacing it for the following:-

"(3) The notice of resignation of the President shall be addressed to the Chief Justice who shall submit it to the Chairman of the Zanzibar Electoral Commission."

Amendment of
section 133.

21. Section 133 of the Constitution is hereby amended in subsection (4) in the definition "Chama" by deleting that definition and substituting for it the following :-

" "Chama" means a political party registrable under Political Parties (Registration) Act, 1992."

Passed in the House of Representatives on
the 14th day of May, 1992.

Khamis Juma Chande

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.