



THE ZANZIBAR MUNICIPAL COUNCIL ACT, 1995.

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ACT NO.3 OF 1995.

I ASSENT

*Salim Amour*

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

*15th March*  
..... 1995.

AN ACT TO ESTABLISH THE ZANZIBAR MUNICIPAL  
COUNCIL AND FOR OTHER MATTERS CONNECTED  
THEREWITH.

ENACTED by the House of Representatives  
of Zanzibar.

PART I  
PRELIMINARY

- Short title and commencement.      1. This Act may be cited as the Zanzibar Municipal Council Act, 1995 and shall come into operation immediately after being assented to by the President.
- Interpretation.                    2. In this Act unless the context otherwise requires -
- "Building" includes any structure whatsoever for whatever purpose;
  - "Council" means the Zanzibar Municipal Council established under the provisions of section 4;
  - "Director" means the Director of the Municipal Council appointed as such under the provisions of this Act;
  - "Minister" means the Minister responsible for the Local Government Administration;



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"Municipality" means the Municipality of Zanzibar established by section 3;

"Officer" includes a servant of the Council;

"Public place" includes any road, street, thoroughfare, foot-pavement, footpath, side walk, lane square, open space, garden, park or enclosed space vested in the Council under this Act;

"Public road" means any road classified under the Roads Decree;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Ward" means an area which shall be used for the purpose of Local Government elections.

#### PART II.

##### ESTABLISHMENT AND COMPOSITION OF THE ZANZIBAR MUNICIPAL COUNCIL.

Establishment of the Municipality of Zanzibar.

3.(1) There is hereby established with such powers, duties and privileges as may hereinafter be set out a Municipality to be known as the Municipality of Zanzibar which shall include the area delimited by the boundaries set forth in the First Schedule to this Act.

(2) The Minister may from time to time by notice in the Gazette alter the boundaries of the Municipality of Zanzibar.

(3) Prior to the exercise of the powers conferred by subsection (2) of this section, the Minister shall appoint a special Commission to enquire into and report as to the advisability of the exercise of such power, and notice of such appointment and particulars of the power or powers proposed to be exercised shall be published in the Gazette.

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Composition  
of Council.

4.(1) There shall be constituted for the Municipality of Zanzibar a Municipal Council to be called the Zanzibar Municipal Council.

(2) The Council shall consist of the following members :-

- (a) a Mayor who shall be elected from amongst the Councillors of that Municipality;
- (b) a Deputy Mayor who shall be also elected from amongst the Councillors of that Municipality;
- (c) all Councillors of the Municipality elected by the people from the wards of the Municipality;
- (d) not more than three other Councillors appointed by the Minister from amongst lawyers, economists and persons with adequate knowledge and experience in the management of Government or public affairs;
- (e) a Director of the Municipal Council who shall be the secretary.

Zanzibar  
Municipal  
Council to  
be body  
corporate.

5. The Zanzibar Municipal Council shall under that name be a body corporate, and shall -

- (a) have perpetual succession and a common seal;
- (b) be capable in law of suing and being sued;
- (c) subject to this Act, be capable of holding, acquiring, purchasing and alienating land, and disposing of any movable property;
- (d) be capable of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Act and any other law.

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Mayor and  
Deputy  
Mayor.

6.(1) At the first meeting of the Council immediately after the election, there shall be elected by ballot one member of the Council to be Mayor and another to be Deputy Mayor and such Mayor and Deputy Mayor shall hold office for five years or until their successors are elected in accordance with the provisions of this Act.

(2) At the election of Mayor or Deputy Mayor, the members present shall elect a Chairman from among themselves to preside for the purpose of such election.

(3) The person presiding at proceedings for election under this section shall have a deliberative vote only and if there is an equality of votes for two or more candidates he shall determine the election by ballot.

(4) The Deputy Mayor shall, whenever it is necessary owing to the death, resignation, absence, illness or incapacity of the Mayor, and until such time as a new Mayor is elected under the provisions of this Act or any other Act in the case of the Office of Mayor falling vacant, be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Act.

Allowance  
to Mayor.

7.(1) The Council may vote out of the revenues of the Council as a personal allowance to the Mayor such sum as it may consider appropriate to this office and approved by the Minister.

(2) The amount of such allowance shall commence at the commencement of the Mayor's term of office and may be altered from time to time as the Council may deem fit.

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(3) Whenever the duties of the office of Mayor are performed for any continuous period not being less than one month, by the Deputy Mayor under any of the circumstances mentioned in subsection (4) of section 6, the allowance under this section shall be paid for such period to the Deputy Mayor.

Removal of  
Mayor from  
the Office.

8.(1) Notwithstanding any provisions of this Act, the Council may pass a resolution for the removal of the Mayor from the office if such resolution is proposed and passed in accordance with the provisions of this section.

(2) Without prejudice to the provisions of this section, no resolution for the removal of Mayor shall be proposed unless -

- (a) twelve months has elapsed since the election of the Mayor;
- (b) nine months has elapsed since the same resolution was proposed and rejected by the Council.

(3) A resolution for the removal of Mayor shall not be passed unless -

- (a) notice in writing, signed by not less than half of the members of the Council is given to the Director fourteen days before the date of being submitted to the Council;
- (b) when the Director is satisfied that the notice for such resolution has fulfilled the conditions prescribed by this section, and that such notice has specified the reasons for such resolution, the said notice shall be submitted to the Council.

(4) Where the Director is satisfied and decides to submit the proposed resolution to the Council it shall be submitted as soon as may be practicable and the Council shall discuss and decide on the motion for the said resolution in accordance with its standing orders.

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(5) When the Council is discussing the motion for the said resolution, the Deputy Mayor shall preside the meeting and the Mayor shall have the right to appear and defend his case before the Council.

(6) A resolution for the removal of Mayor shall be passed if it is supported by not less than two thirds of the members of the Council.

(7) As soon as may be practicable, and in any case, within seven days of the resolution for the removal being passed by the Council, the Deputy Mayor shall submit the said resolution to the Minister and the Mayor shall be required to resign from office within seven days and if he fails to do so within that period he shall be deemed to have been resigned, and the Council, within forty days, shall elect another member of the Council to be the Mayor.

Councillors  
not  
full time.

9.(1) The Mayor shall not be the Chief Executive of the Council but shall be the chief adviser to the Council and shall be paid a salary and other allowances as is fixed from time to time by the Council and approved by the Minister.

(2) The Deputy Mayor and other Councillors shall not be full time officers of the Council and shall not be paid any salary.

(3) Councillors shall be paid allowances as is fixed from time to time by the Council and approved by the Minister.

Director.

10. There shall be a Director who shall be appointed by the President.

Functions of  
the  
Director.

11.(1) The Director shall be the chief executive officer and the accounting officer for his Council, and in those capacities shall -



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- (a) be responsible for the implementation of all decisions taken by the Council;
- (b) supervise and co-ordinate the activities of all officers and departments of the Council;
- (c) supervise and co-ordinate the activities of all seconded officers; and
- (d) have custody of all documents of the Council.

(2) In addition to the duties under subsection (1), the Director shall perform all statutory duties and functions which he is required to do by this Act or any other law.

Elections.

12.(1) The election of the Council shall be held under the Elections Act, 1984 or Regulations made by the Zanzibar Electoral Commission in that behalf.

(2) The Zanzibar Electoral Commission in consultation with the Minister shall specify the boundaries of the wards for the -purposes of the Local Government elections.

(3) Every Constituency shall be divided into two wards for the purposes of the elections of the Councillors of the Municipality.

### PART III

#### MEETINGS AND PROCEEDINGS OF THE COUNCIL.

Meetings of  
the Council.

13.(1) The Council shall in every year hold an annual meeting and at least three other meetings, which shall be as near as may be at regular intervals, for the transaction of general business.



(2) The first annual meeting of the Council shall be held within one month of the result of election and thereafter at twelve monthly intervals.

(3) The other meetings shall be held on such other days before the annual meetings following as the Council at the annual meeting decides or by standing order determines.

(4) The Mayor may at any time and shall at the request in writing signed by not less than one third of the Councillors call a meeting of the Council and the day fixed for such meeting shall be within fourteen days of the presentation of such request.

Notices of meetings.

14. The Director shall give at least one week's notice in writing to each of the Members of the Council specifying the time and place appointed for and the business proposed to be transacted at a meeting of the Council:

Provided that the accidental omission to serve such notice on any member shall not affect the validity of any meeting.

Record of attendance and quorum.

15.(1) The names of the members present at a meeting of the Council shall be recorded.

(2) Save as otherwise provided by this Act, all acts, matters and things authorised or required to be done by the Council and all questions that may come before it, shall be done and decided by the majority of the Members present and voting at any meeting at which there are present not less than one half of the members or such larger proportion thereof as the Council may from time to time by standing order determine.

Mayor to preside and have a casting vote.

16.(1) Subject to other provisions of this Act, at every meeting of the Council the Mayor or in his absence the Deputy Mayor shall preside.



(2) In the absence of the Mayor and of the Deputy Mayor the members present shall elect a Chairman from amongst themselves to preside at such meeting.

(3) In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

Travelling expenses of Members.

17. The Council may, from time to time, subject to the approval of the Minister, vote such reasonable sums as they deem sufficient to defray the actual travelling expenses and reasonable subsistence allowances of members attending meetings of the Council or of members and other persons attending meetings of any Committee thereof, or attending to any business of the Council when authorised by resolution of the Council to do so.

Validity of acts of Council and officers.

18. All lawful acts of the Council or any person acting as Mayor or Deputy Mayor, member or Director or any other officer of the Council, as the case may be, shall, notwithstanding that it be discovered that there was some defect in the election or appointment of any such person or that he was disqualified, be as valid and effectual as if such person had been duly elected or appointed and qualified.

Exemption of members, etc. from personal liability.

19. No matter or thing done or omitted to be done and no contract entered into by the Council, and no matter or thing done or omitted to be done by any member or officer of the Council or other person acting under the direction of the Council, shall, if the matter or thing was done or omitted to be done or the contract was entered into in good faith for the purpose of this Act or of any by-law in force in the Municipality subject any such person to any action, liability, claim or demand whatsoever, and any expense incurred by the Council or any such person in consequence of such action, shall be paid by the Council out of its revenues.



Authentication  
and  
execution of  
documents.

20.(1) Every order, notice or other document requiring authentication by the Council shall be deemed to be sufficiently authenticated if signed by the Director or by any other officer of the Council, duly authorised in that behalf by any resolution or standing order of the Council.

(2) Every contract and every instrument and document which the Council is lawfully empowered to execute shall be sealed with the Common Seal of the Council in the presence of the Mayor or Deputy Mayor and the Director or any other officer of the Council, duly authorised in that behalf by resolution or standing order of the Council.

Standing  
Orders.

21. Subject to the provisions of this Act and to the approval of the Minister the Council may make standing orders for the regulation of its proceedings and business and may vary, amend or revoke any such orders.

Appointment  
of  
Committees.

22.(1) The Council may appoint a Committee for any such general or special purpose as in the opinion of the Council would be better regulated and managed by means of Committee, and may delegate to a Committee so appointed, with or without restrictions or conditions, as it thinks fit, any functions exercisable by the Council either with respect to the whole or a part of the area of the Council, except the power of laying a rate, or of borrowing money and the acts and proceedings of every such Committee within the limits of such delegation shall be deemed to be the acts and proceedings of the Council.

(2) The Mayor shall be at liberty to attend any Committee meeting but shall not have a right to vote unless he is a member thereof.



(3) The number of members of a Committee appointed under this section, their term of office, their term of reference, and the area if any, within which the Committee is to exercise its authority, shall be fixed by the Council.

(4) A Committee appointed under this section may include persons who are not members of the Council, but majority of the members of every Committee shall be members of the Council.

(5) Each Committee shall elect its own Chairman, if not appointed by the Council.

Standing  
Committee.

23. The Council shall at the annual meeting in every year appoint members of the Standing Committee of the Council as it thinks fit for regulating and controlling the business of the Council.

Proceedings  
at meetings  
of  
committees.

24. The Council may make a standing order respecting the quorum, proceedings and place of meetings shall be such as the Committee may determine.

#### PART IV.

#### OFFICERS.

Appointment  
of officers.

25.(1) The Council may, subject to the approval of the Minister, appoint as permanent, part time, or consulting officers persons to be Legal Officer, Municipal Treasurer, Municipal Engineer, Medical Officer of Health, and Municipal Health Superintendent and may pay such officers such salaries, fees and allowances as the Council may, subject to the approval of the Minister and to any Rules made under the provisions of this Act.

(2) The Council may appoint such other officer as it may consider necessary and may pay such officers such salaries, fees and allowances as it may determine.



(3) No officer holding the posts mentioned in subsection (1) of this section shall be removed from office unless and until such removal has been decided upon by a majority of the Councillor present at a meeting specially convened for the purpose, and unless the number of councillors voting in the majority is not less than a majority of the whole Council and unless and until the Minister has notified to the Council his approval of the removal of such officer.

(4) The majority of the Council as aforesaid in subsection (3) may suspend any such officer from the duties and emoluments of his office for incapacity, neglect or misconduct pending the sanction of the Minister to his approval and in the event of such sanction being granted such officer shall be deemed to have been removed from his office as from the date of such suspension.

Power of the Minister to make Rules.

26. The Minister may from time to time make rules for regulating the procedure in regard to the appointment by the Council of the officer mentioned in subsection (1) of section 25 and for prescribing the qualifications, conditions of appointment, tenure of office, and salaries of all such officers.

Council may prescribe duties of officers.

27.(1) The Council may, from time to time by resolution, prescribe the duties of the officers set out in section 22.

(2) The Council may, from time to time, by resolution, prescribe the qualifications, conditions of appointment, tenure of office, salaries and duties of its other officers.



Accountability  
of officers.

28.(1) Every officer employed by the Council shall at such times during the continuance of his office, or within three months of his ceasing to hold it, and in such manner as the Council directs, make out and deliver to the Council or as it directs, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and record supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

(2) Every such officer shall pay all money due from him to the treasurer of the Council, or otherwise the Council may direct.

(3) If any such officer refuses or fails to make any payment which he is required by this section to make, or to give satisfaction respecting it to the Council, the Council shall take any legal action against such officer before any court of competent jurisdiction.

#### PART V.

#### POWERS AND DUTIES OF THE COUNCIL.

Power to enter  
into  
contracts.

29.(1) The Council may enter into contracts necessary for the discharge of any of its functions but shall not exempt the party or parties with whom it is contracting from the operation of any by-law but shall on the contrary stipulate that such party or parties shall, within the Municipality, be subject, in the carrying out of the contract, to all by-laws for the time being in force.

(2) All contracts lawfully made under the provisions of this section shall be valid and binding on the Council and its successors and all other parties thereto, their heirs, successors legal representatives as the case may be.





Acquisition  
of and  
dealing in  
land.

30.(1) The Council may for the purpose of any of its functions, by agreement acquire, whether by way of purchase, lease, gift or exchange, any land, whether situate within or without the Municipality.

(2) Nothing in this section shall authorise the disposal of land by the Council, whether by sale, lease or exchange, in breach of any trust or agreement binding upon the Council.

(3) The Council may acquire lease, rent, erect, maintain and keep in repair such offices and buildings as may be required for Municipal purposes.

Control of  
roads.

31.(1) The Council shall have the general control of all public roads and public streets within the Municipality.

(2) Subject to the provisions of this Act and any other Acts, the Council may make new roads and streets and may close or direct or alter any public road or public street vested in it or part thereof.

(3) The Council may -

- (a) arrange for the lighting of roads, streets and public places and for the erection and maintenance of lamps for that purpose;
- (b) require the owner of any land to remove, lower or trim to the satisfaction of the Council any tree, shrub or hedge overhanging any road or street or interfering in any way with the traffic on any such road or street or with any wire or works of the Council;
- (c) require the owner of any land to remove any dilapidated fence or structure abetting upon any road, street or public place.



Naming and numbering of street etc.

32.(1) The Council may from time to time cause the houses, buildings or erections fronting upon any street or other public place to be marked with such numbers as it thinks fit, and may cause the name by which any street or other public place is to be known to be put or painted on a conspicuous part of any house, building, fence, wall or place fronting thereon and may further at its discretion change or vary any such number or name, whether or not such number or name existed before the commencement of this Act.

(2) Any person who destroys, pulls down or defaces any such number or name different from the number or name put up by the Council, shall be guilty of an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings or to imprisonment for a term of three months.

Council to control public open spaces, etc.

33.(1) Subject to the provisions of the Town and Country Planning Decree, the Council shall have the general control and care of all squares and all other public open spaces and of all gardens, parks and other enclosed spaces within the Municipality which have been or shall be at any time set apart and appropriated by proper authority for the use of the public or to which the inhabitants of the Municipality shall at any time have or acquire a common right and the same are hereby vested in the Council in trust to keep the same for the use and benefit of the inhabitants.

(2) The Council may -

(a) establish, maintain and control recreation grounds on Municipal land and on parks, squares and open spaces vested in the Council;



- (b) establish, maintain and control in connection with recreation ground so established, aquariums, pavilions, piers, dressing rooms, lavatories, and such other buildings or conveniences of any nature and for any purpose as the Council may consider to be necessary or convenient;
- (c) establish, maintain and control refreshment rooms, cafes and restaurants in any such recreation ground;
- (d) let any such recreation ground or any building or apparatus established or provided in connection therewith to any person or club or other body of persons and, by resolution of the Council authorise such person, club or body to make charges in connection therewith;
- (e) plant, trim or remove trees in or on public place.

Public to  
health.

34. It shall be the duty of the Council to take such action as the Minister may from time to time require to safeguard and promote the public health and for this purpose the Council shall be responsible for the administration within the Municipality of such part of the Public Health Decree and any other Act as the Minister may from time to time determine.

Power to  
undertake  
sewerage and  
drainage.

35.(1) The Council may erect, construct, equip and carry on sewerage or drainage works within or without the Municipality.

(2) For the purpose of carrying out any sewerage or drainage works the Council may -

- (a) wherever necessary carry such sewers, drains or pipes through across or under any private land, either within or without the Municipality;



(b) from time to time alter, enlarge, divert, discontinue, close up, or destroy any sewers, drains, or pipes under the control of the Council.

(3) The Council and its officers at all times have a right of access to private property for the purpose of inspection, maintenance, alteration or repair of such sewers, drains, pipes, shafts or other conveniences and may do all things necessary to uncover and expose such sewers, drains, pipes, shafts or other conveniences for the purpose of inspection, alteration or repair.

(4) The Council shall repair all damage caused by the exercise of the power conferred by this section.

Markets etc.

Cap.81.

36. The Council shall administer and maintain all public markets appointed as such under the Public Markets Decree, within the Municipality and may establish, erect, maintain, let, control and manage new markets and market building eating houses, shops, stall and stands, and control the occupation and use thereof.

PART VI.

BY-LAWS.

Council to  
make  
By-laws.

37.(1) The Council may make by-laws for all or any of the following purposes :-

- (i) the regulation of any of the things which the Council is empowered under this Act to do, establish, maintain or carry on, and the fixing of the charges to be made in respect thereof;
- (ii) the prohibition or regulation of the hawking of wares and the erection of stalls on or near any street;
- (iii) the preservation, control and management of streets and open spaces and of trees, shrubs and plants in public places;



- (iv) the prohibition or regulation of grazing and outspan privileges and the control of animals of any kind whatsoever;
  - (v) the prohibition, restriction or regulation of the quarrying of stone, lime clay, or other materials;
  - (vi) subject to the provisions of any other Act, the prohibition or restriction of keeping animals or poultry in the Municipality;
  - (vii) the fixing of the chargers which may be made for use of the Council's drains, sewers and sewerage works;
  - (viii) the keeping of public places clean and free of filth, rubbish, glass, tins, paper, dead animals, waste or flushing water or the refuse, liquid or solid on or in any road, street, bridge, thoroughfare, open space, stream or water course, the prevention of any such liquid from following into any such place, and the regulation or prohibition of the bathing or washing of persons, animals or things in any such place;
  - (ix) the prevention of the pollution of any water which the inhabitants have a right to use;
  - (x) the establishment and regulation of public markets and markets dues; and the prohibition of the establishment of any market within the Municipality without the permission of the Council;
  - (xi) the fees to be paid and the form to be used.
- (2) No by-law made under this section shall be inconsistent with or repugnant to the provisions of this Act or of any Act dealing with public health or, of any other law in force within the Municipality.
- (3) Any by-law made under this Act shall be published in the official gazette.



Confirmation  
of by-laws.

38. All by-laws shall be made under the Common Seal of the Council and no by-law shall have effect until it is confirmed by the Minister.

Penalties  
for  
breaches of  
by-laws.

39.(1) The Council may, by by-law prescribe a fine or imprisonment or both, which may be imposed for the breach of any by-law made under the provisions of this Act, and may also prescribe different fines and different terms of imprisonment in cases of successive or continuous breaches.

(2) Any such by-law may provide that in addition to any such penalty, any expense incurred by the Council in consequence of any breach of any such by-law or in execution of any work directed by any such by-law to be executed by any such person and not executed by any such person and not executed by him, shall be paid by the person committing such breach or failing to execute such work and may be declared to be recoverable as civil debt.

PART VII.  
FINANCIAL PROVISIONS.

All monies  
to be paid  
into and  
out of a  
general  
fund.

40.(1) Subject to the provisions of this Act, all receipts of the Council shall be carried to a general fund, and all liabilities falling to be discharged by the Council shall be discharged out of that fund.

(2) All payments to and out of the general fund shall be made by and to the Municipal Treasurer.

Government  
contributions.

41. There shall be paid to the Council from the general revenue of the Government -

- (a) an annual contribution in lieu of rates of such amount in each financial year as the Minister may determine, having regard to the level of rates imposed for the same financial year upon privately owned premises;



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- (b) such proportion as the Minister may direct of revenue collected under the provisions of the Road Traffic Decree, or any enactment amending or replacing the same in respect of vehicles belonging to persons having a residence or place of business within the Municipality where such vehicles are ordinarily housed or kept;
- (c) the whole or such part as the Minister may direct of moneys derived from licences granted or fees collected within the Municipality under or by virtue of -
- (i) The Public Market Decree, Cap. 81.
  - (ii) The Liquor Decree, Cap.163.
  - (iii) The Public Health Decree, Cap.73.
  - (iv) The Auctioneers Decree, Cap.165.
  - (v) The Animal Diseases Decree, Cap.123.
  - (vi) The Trades Licensing Act, 1983 (No.3/83).
  - (vii) The Zanzibar Arts and Music Council, Ngoma Regulations, Stage Plays and Cinematograph Act, 1983 (6/83).
- (d) The whole or such part as the Minister may direct moneys to the Government under any law not hereinbefore in this Act mentioned;
- (e) such grant of moneys as the Minister may from time to time consider necessary to enable the Council to carry out the purposes of this Act.

Borrowing powers.

42.(1) The Council may from time to time raise loans for such purposes in such amounts and or such conditions as the Minister may approve:

Provided that no such loan shall be raised in any place outside Zanzibar except with the prior approval of the Minister of Finance.

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(2) All such loans shall be charged indifferently on all rates and revenues of the Council and all securities therefor shall rank equally without any priority.

Advances from Government and overdrafts.

43.(1) The Council may from time to time obtain from the Government advances of moneys required for the proper carrying out of the provisions of this Act.

(2) The Council may obtain advances from any bank by way of overdraft in such amounts and or such conditions as may be approved by the Minister.

(3) All moneys so advanced and the interest thereon, if any, shall constitute a liability of the Council and shall be a charge on the rates and revenues of the Council.

Illegal borrowing.

44. When the Council borrows any money which it is not legally bound to repay all the members who have joined in authorising the borrowing of such money shall be jointly and severally liable to repay the amount so borrowed and all interest thereon, and the same may be recovered from them by action in any competent court.

Estimates.

45.(1) Not less than two months before the commencement of any financial year the Finance Committee shall present for the approval of the Council detailed estimates of the revenue and expenditure of the Council for such financial year.

(2) Wherever it is anticipated that the actual expenditure in respect of any item included in the annual estimates will exceed the amount so included or that expenditure not provided for in the estimates will be incurred or that any item of income will be less than that estimated, the financial Committee shall present for the approval of the Council a supplementary estimate showing the probable expenditure or income and the manner in which the additional expenditure will be met or the reduced income recouped as the case may be.





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(3) The Council shall submit a copy of all estimates and supplementary estimates as approved by the Council to the Minister for his approval -

- (i) in the case of the annual estimates not less than one month before the commencement of the financial year; and
- (ii) in the case of supplementary estimates, forthwith upon approval by the Council.

(4) The Minister may either approve or disapprove such annual or supplementary estimates as a whole or disapproved any item contained therein either in whole or in part and may refer such annual or supplementary estimates back to the Council for further consideration.

(5) For the purpose of approval under this section all annual or supplementary estimates shall be prepared in such form and shall contain such detailed information as the Ministry of Finance may require.

(6) A copy of all annual or supplementary estimates as approved in accordance with this section shall be recorded in the minutes of the Council.

Account  
to be  
kept.

46.(1) The Council shall cause proper books and accounts to be provided and true and regular records to be entered therein of all transaction of the Council, and such books and accounts shall be open at all reasonable times and for reasonable periods, to the inspection of any member of the Council.

(2) All such books and accounts shall be kept in such form and manner as the Ministry of Finance may approve.

Statement of  
accounts.

47.(1) Within three months of the close of the financial year the accounts of the Council shall be balanced for the preceding financial year and an annual statement or abstract thereof shall be prepared.

(2) Such annual statement or abstract shall be prepared in such form and shall contain such information as the Ministry of Finance may require.

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Audit of the  
accounts  
etc.  
of the  
Council.

48.(1) The Auditor General or his representative shall, from time to time, inspect, examine and report to the Minister upon the accounts and records of the Council, and the Council shall, by the Director or other officer authorised by the Council, produce and lay before the Auditor all books and accounts of the Municipality together with all vouchers, papers and writings relating thereto, and cash, stores and other assets.

(2) It shall be the duty of the Auditor to certify, not less than once in each financial year, whether or not -

- (a) separate accounts of all trading undertakings have kept;
- (b) the accounts of the Council are in order;
- (c) the accounts issued present a true and correct view of the financial position of the Council of its transactions, and of the results of trading;
- (d) due provision has been made on account of redemption and repayment of all moneys borrowed by the Council;
- (e) the value of the assets of the Municipality have been fairly stated;
- (f) the amounts set aside for depreciation and renewal of the assets of the Municipality are adequate;
- (g) all his requirements and recommendations have been complied with and carried out.

(3) The Auditor General in his report shall state his opinions and observations upon all questions arising out of the certificate given by him under subsection (2) and upon all matters affecting the economical and efficient administration and conduct of Municipal service which in his opinion call for special notice and shall in such report draw attention to all cases in which it shall appear to him that the provisions of this Act or any other law have not been carried out or that any acts, matters or things have been performed or carried out without due authority.



(4) Any report made under the provisions of subsection (1) hereof shall be sent to the Minister and copies thereof shall be sent to the Director who shall submit a copy to the Mayor and to the Municipal Treasurer and shall thereafter lay a copy before the Council at its next ensuing meeting.

PART VIII  
COMMITTEES AND DEPARTMENTS OF  
THE COUNCIL.

Committee of  
the  
Council.

49.(1) The Council shall establish the following standing committees :-

- (a) a standing committee responsible for Finance and Economic Development;
- (b) a standing committee responsible for Town Planning;
- (c) a standing committee responsible for Law and Order;
- (d) a standing committee responsible for Labour, Construction and Environment;
- (e) a standing committee responsible for Social Services Affairs.

(2) All members of the committees shall be elected from the members of the Council and no person shall be a member of more than one committee, provided that the Committee may allow any other member of other committee to participate in the Committee meetings but shall not have a vote.

Powers and  
functions  
of a  
Committee.

50. Any Committee shall be responsible for the implementation of the policies and decisions made by the Council and without prejudice to the generality of the foregoing shall be -

- (a) to scrutinise and approve departmental proposals relating to that Committee;



- (b) to monitor and supervise the implementation of the policy and functions of the Department relating thereto and to advise that department accordingly;
- (c) where necessary, to elect ad-hoc and other sub-Committee to assist the Committee in its functions;
- (d) to receive and solve problems or grievances forwarded to it from the Council; and
- (e) do any other duty for the better administration of the Council, as may be authorised by the Council.

Departments  
of the  
Council.

51. The Council shall establish the following departments :-

- (a) Financial and Economic Development Department;
- (b) Town Planning Department;
- (c) Administration, Law and Order Department;
- (d) Labour, Construction and Environment Department; and
- (e) Social Services Affairs Department.

Functions  
of the  
Department.

52. Every Department shall be responsible for the implementation of the policies and decisions made by the Council or a Committee, and without prejudice to the generality of the foregoing shall :-

- (a) prepare and evaluate development plans of that department;
- (b) provide better services to the people within the Municipality;
- (c) prepare the annual budget of that department and submit it to the relevant Committee;
- (d) to do any other duty conferred upon it by the Council.



Functions  
of the  
Head of  
Department.

53. Every head of the department shall exercise the following duties :-

- (a) to provide to the Council strategic plans for the better carrying out of the functions of the Council;
- (b) to advise the Council and or the relevant Committee on matters relating to that department;
- (c) to monitor and supervise the activities of the workers in his department;
- (d) to encourage and give material support and technical assistance in his department;
- (e) generally to monitor the administration in his department and report to the appropriate authority any incidents of maladministration, corruption and misuse of Government property; and
- (f) to do any other duty assigned to him by the Council.

#### PART IX.

#### MISCELLANEOUS PROVISIONS.

Correspondence  
between  
Government  
and  
Council.

54. All correspondence between the Government and the Council shall be addressed to the Director, who shall be regarded as the principal means of consultation between the Government and the Council.

Powers of  
arrest.

55.(1) Any police officer may arrest without warrant any person who commits any offence against this Act or by-law in force within the Municipality, and any officer of the Council in uniform or wearing visible badge of office and authorised thereto in writing by the Council may arrest without warrant any person who in his presence commits any such offence and he should be delivered into the custody of a police officer to be dealt with according to law as soon as possible.



(2) No person shall be arrested or detained without warrant unless reasonable grounds exist for believing that, except by arrest of the person offending he could not be found or made answerable to justice without delay, trouble or expense.

Conduct of prosecution.

56. Any person authorised by the Council may prosecute in subordinate courts for all contraventions of this Act, or any by-laws after being approved by the Attorney-General.

Actions against the Council.

57. All actions against the Council shall be brought within six months from the date upon which the causes of such action arose, and all such costs, charges and expenses as the Council may be put or may become chargeable with by reason of the prosecutions or defence of any such action or under the judgement of any court shall be paid out of the revenues of the Council.

Arbitration.

58. Where any matter is by this Act directed to be determined by arbitration, such matter shall, except as may be otherwise expressly provided, be determined by arbitration in accordance with the provisions of the Arbitration Decree.

Power of officers to enter premises.

59.(1) The Council or any officer of the Council duly authorised in writing may, at all reasonable times, enter into and upon any premises within the Municipality for the purpose of exercising any power of inspection, inquiry, or execution of works which is given to the Council under this Act or by any by-law or regulations in force within the Municipality.

(2) Any officer of the Council may, when entering into or upon any premises in exercise of the powers conferred by this section, be accompanied by a member of the police force.



(3) Any by-law made under this Act may confer on the Council and its officers such powers of inspection, inquiry and execution of works as may be reasonably necessary for the proper carrying out or enforcement thereof.

Protection from court action.

60.(1) No act, matter or thing done or omitted to be done by -

- (a) any member of the Council or a committee of Council;
- (b) any member of staff or other person in the service of the Council; or
- (c) any person acting under the directions of the Council,

shall, if that act, matter or thing was done or omitted in good faith in the execution of his duty or under direction, render that member or person personally liable to any civil action, claim or demand.

(2) Any Councillor or member of staff or any other person in the service of the Council who wilfully or negligently causes any loss or damage to the property of the Council shall be liable to pay the amount of loss or damage to the Council within the time specified by the Council.

(3) Any Councillor or member of staff or any other person in the service of the Council who fails to pay the amount within the specified time, legal action against him shall be taken by the Council.

Minister to delegate powers.

61. Where under this Act, the Minister is empowered to exercise any powers or perform any duties, he may delegate that power or duty to the Council or any officer, to exercise that power or perform the duty on his behalf, subject to any conditions, exceptions, and qualifications as the Minister may prescribe.



Power to  
dissolve the  
Council  
prematurely.

62.(1) If, after due inquiry, the Minister is satisfied that the Council has made default in the performance of any functions conferred or imposed upon it by this act or any other written law for the time being in force, he may take an order, to be published in the Gazette, declaring the authority to be in default and may, be the same or any other order :-

- (a) for the purpose of removing the default, direct the authority to perform such of its functions in such manner and within such time as may be specified in the order; or
- (b) transfer to such person or body of persons as he may deem fit such of the functions of the authority in default as may be specified in the order.

(2) If the Council in respect of which an order has been made under subsection (1)(a) of this section, fails to comply with any requirement of the order within the time or times, specified for the requirements to be complied with, the Minister may make an order under subsection (1)(b) of this section.

(3) Where an order made under subsection (1)(a) of this section involves default in the performance of any or majority of, or the basic functions of the authority, the Minister may, by the same or a subsequent order, dissolve or suspend the Council for such time as he may think fit, from the performance of such of its functions as may be specified in the order and, where he dissolves the authority he shall specify a date, being not later than six months from the date of dissolution, for the holding of election to constitute a new authority, or nomination for re-election.

(4) Every order made under this section shall be laid before the House at its next meeting following the making of the order.





(5) Any person or body of persons to whom any of the functions of the Council are transferred under this section shall when performing the functions and in respect of them, be deemed to be that authority for the purposes of this Act, and when so acting shall have all the power of affixing its official seal.

Repeal of  
Act No.3  
of 1986.

63.(1) Parts IV and V of Act No.3 of 1986 are hereby repealed.

(2) Notwithstanding the repeal under subsection (1) any subsidiary legislation made under that part of the Act, shall remain in force until revoked by the Council or the Minister, as the case may be.

Passed in the House of Representatives  
on the 19th day of January, 1995.

*K. Chande*

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.