



**THE REGIONAL ADMINISTRATION AUTHORITY
ACT NO.1 OF 1998**

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ACT NO.1 OF 1998

I ASSENT

**{ DR. SALMIN AMOUR }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

12th March, 1998

**AN ACT TO ESTABLISH REGIONAL ADMINISTRATIVE
AUTHORITY IN ZANZIBAR AND TO PROVIDE FOR OTHER
MATTERS CONNECTED THEREWITH
AND INCIDENTAL THERETO**

ENACTED by the House of Representatives of Zanzibar

- Short title and Commencement. 1. This Act, may be cited as the Regional Administration Authority Act 1998 and 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:
- "Administrative units" means Region, District and other administrative area.
- "Constitution" means the Zanzibar Constitution of 1984;
- "District Administrative Officer" means District Administrative Officer appointed under section 8 of this Act;



"District Commissioner" means a District Commissioner in charge of a District appointed in terms of the provision of section 61 of the Constitution;

"Government" means the Revolutionary Government of Zanzibar;

"Minister" means the Minister for the time being responsible for Regional Administration in Zanzibar;

"President" means the President of Zanzibar;

"Regional Administrative Officer" means a Regional Administrative Officer appointed under section 8 of this Act;

"Regional Commissioner" means a Regional Commissioner in charge of a region appointed in terms of the provisions of section 61 of the Constitution;

"Sheha" means an officer appointed as such under the provisions of section 15 of this Act;

"Shehia" means all that area of jurisdiction formerly known as Chama cha Mapinduzi branch or as may be prescribed by the concerned authority.

powers of the President to divide Zanzibar into administrative Units.

3.(1) For the purposes of better and efficient exercise of the functions of the Government, the president in consultation with the President of United Republic may provide for the administrative division of Zanzibar into regions, districts and other administrative areas as he may deem necessary.

(2) The President shall define the limits of the administrative units declared as such under subsection (1) of this section and assign names thereto.

Appointment of Regional and District Commissioners.

4.(1) Subject to the provision of the Constitution the President shall appoint a Regional Commissioner in charge of each and every region declared as such under the provisions of Section 3(1) of this Act.



(2) The President shall appoint a District Commissioner in charge of each and every district declared as such under the provision of Sections 3 (1) of this Act .

Duties and functions of the Regional Commissioner.

5. Every Regional Commissioner shall be in charge of the administration of the region to which he has been appointed and shall perform the following functions:-

- (a) monitoring, supervising and assisting in the execution of the functions of the government in his region;
- (b) assuring that the policies, plans and directives of the government are observed in;
- (c) the maintenance of law and order in the region in collaboration with law enforcement agencies;
- (d) assuring that resources, both material and manpower are used for development in the economy and welfare.

Power of arrest.

6.(1) Subject to the provisions of the Constitution the Regional Commissioner may, if he has sufficient evidence that any person within his regional jurisdiction is likely to commit a breach of peace or disturb the public tranquillity or do any act that such breach cannot be prevented otherwise than by detaining such a person in custody, arrest or order a police officer in writing and signed by him to arrest such person.

(2) A person arrested under this section shall be informed of the reason of his/her arrest.

(3) A person arrested under this section shall as soon as is practicable be released and under no circumstances shall be kept under such arrest for more than forty eight hours.

(4) Where a Regional Commissioner arrests or orders the arrest of any person under the powers conferred by this section, he shall at the time of arrest or shortly thereafter record the reasons and evidence in writing which shall be delivered to the court at the time the person arrested is brought before the court or if he is released earlier



and not taken to the court a full report setting out the reasons and evidence for the arrest shall be submitted to the President.

(5) District Commissioner in his district shall have the same power given to the Regional Commissioner under this section and shall act according to the provisions of this section.

Duties and functions of the District Commissioner.

7. Every District Commissioner shall within his district exercise duties and functions exercised by the Regional Commissioner as specified in paragraphs (a) (b) (c) and (d) of section 5 of this Act.

Appointment of Regional and District Administrative Officers.

8. There shall be a Regional and District Administrative Officer in respect of each region and district who shall be appointed by the President.

Qualification.

9. A person shall not be qualified for the appointment of a Regional or District Administrative Officer unless he has a general and administrative knowledge or academic qualification and working experience in the regional and public administration or any other qualification as the President deems necessary.

Function of the Regional and District Administrative Officer.

10.(1) Every Regional Administrative Officer shall; within the regional jurisdiction of his appointment be the principal assistant to the Regional Commissioner and responsible for day to day running of the government business in the Region.

(2) Every Regional Administrative Officer shall be the head of the public officers posted to the region and shall be the accounting officer in the respective region.

(3) Every District Administrative Officer shall within his district discharge similar functions to those of the Regional Administrative Officer.

Appointment of officers by the Minister.

11. The Minister shall appoint for each Region and District:-
- (a) a Planning Officer;
 - (b) a Community Development Officer;
 - (c) any other officers and assign their duties and functions from time to time as he deems fit.



- Qualification. 12. No Officer shall be appointed by the Minister under section 11 of this Act, unless he possesses academic qualification and working experience required for that post.
- Ministries to assign officers. 13. The Government Ministries may assign officers and staff in respect of region, district and other" administrative units considered necessary in carrying out the duties and responsibilities of their ministries in those areas.
- Provided that officers appointed under this section shall be answerable to the Regional or District Commissioner concerned.
- Division of District into Shehias. 14.(1) Every district shall be subdivided into shehias determined by administrative convenience, population distribution, management and delivery of services and areas with common facilities and historical ties.
- (2) Any Shehia established under this Act may if the need arises and on the recommendation of the Minister be divided or merged with one or more Shehias.
- Appointment of Sheha. 15.(1) Each shehia shall be administered by sheha who shall be appointed by the Regional Commissioner with the advice of the District Commissioner of that region in which that Shehia is situated.
- (2) The Sheha shall be removed from his office by the Regional commissioner for any of the following grounds:-
- (a) if he fails to perform his duties due to negligence or health problem; or
 - (b) gross misconduct; or
 - (c) if he does any act which is contrary to the leadership ethics: or
 - (d) if he commits any criminal offence and sentences to imprisonment for a term of three months or more.
- Qualification for appointment of Sheha. 16. No person shall be appointed as Sheha unless he:-



Functions and duties of Sheha.

- 17.(1) Every Sheha shall be responsible in his Shehia for :-
- (a) is a Zanzibari;
 - (b) is a respectable person;
 - (c) is of good character;
 - (d) is not less than forty years of age;
 - (e) has attended at least primary education and knows how to read and write Kiswahili and/or English;
- (a) implementing all the Government laws, orders, policy; and directives, for maintenance of law and order;
- (b) reconciliation and settlement of all social and family disputes arising in that area in accordance with the cultural and customary values of that area and wisdom;
- (c) keeping records of all documents relating to the registration of marriage, divorce, births and deaths ngoma permits, transportation of crops, livestock, 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) receiving notification for convening all public meetings;
- (f) to do all other things which are legal and he has been assigned to him by the District Commissioner.

(2) For the purposes of enabling the sheha to Properly keep records of his residents, any person who intends to reside permanently in that shehia that person shall, within thirty days (30), inform the sheh on the matter.



(3) The provisions of subsection (2) of this section shall not apply to any resident who is coming back to his shehia, who is originated from that shehia, state leaders and any civil servant who is residing in that shehia for the purpose of his employment.

(4) Sheha may require any information from any person who is intending to reside in his shehia, concerning his citizenship and place of residence before coming to this Shehia.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of not less than thirty thousand shillings (30,000/=) or imprisonment for a term not exceeding thirty days or both.

(6) The burden of proof that a person is not a resident of a particular shehia shall be on a person who raised the allegation,

(7) Every Sheha shall be answerable to the District Commissioner of that area.

Shehia advisory council its establishment and functions.

18.(1) There shall be established an advisory council in each Shehia to be known as Shehia Advisory Council whose members shall not be less than twelve, and one third of them shall be elder persons who shall be appointed by the Sheha in consultation with the District Commissioner among the residents of that Shehia.

(2) For avoidance of any doubt the words "elder person" for the purposes of this Act means a person who is sixty years of age and above and who is respectable in his shehia,

(3) The Advisory Council shall advise the sheha in matters related to maintenance of Law and order in the Shehia and other matters which are beneficial to the well being of the shehia.

Powers of Sheha.

19.(1) Every Sheha may in the exercise of his duties and functions under the provisions of this Act voluntarily request the attendance of any person or issue a summon to any person who does not voluntarily attend before him requiring his attendance or requiring him to give information.



(2) Any person to whom a summon was served under subsection (1) of this section and without sufficient excuse does not appear before the Sheha

on proof of such summons and reasonable time having passed, the Sheha shall report to the Police Officer who shall cause such person to appear before the Sheha and show cause why he should not be charged.

(3) Any Sheha who receives information that any person in his shehia has committed an offence he may order that person to be arrested and surrendered to the nearby police station as soon as possible but if not possible to do so, he may order that person to be kept in safe custody until such convenient time when he shall be surrendered to the Police.

Offences.

20. Any person who was voluntarily required to attend or summoned to attend before the Sheha who without lawful excuse fails, to attend as required by the summons commits an offence and shall on conviction be liable to a fine not exceeding ten thousand shillings.

The Regional Development Committee.

21.(1) There is hereby established for each region a Regional Development Committee.

(2) The Regional Development Committee shall consist of the following members:-

- (a) the Regional Commissioner - Chairman;
- (b) the District Commissioners in the region - Members;
- (c) the Regional Planning Officer - Member;
- (d) the Regional Development Officer - Member;
- (e) the District Council Chairman in the Region - Members;
- (f) the District Council Clerks Members;
- (g) all Members of Parliament in the region - Members;



- (h) all Members of the House of Representatives in the region - Members;
- (i) Mayor of the Municipal Council - Member;
- (j) Chairman of Town Councils - Member;
- (k) Director of Municipal Council - Member;
- (l) Clerks of Town Councils - Members;
- (m) all Heads of Government Department or institutions in the region will be invited members with no voting power;
- (n) the Regional Administrative Officer - Secretary.

The District Development Committee.

22.(1) There is hereby established for each district a District Development Committee –

(2) The District Development Committee shall consist of the following members:-

- (a) the District Commissioner - Chairman;
- (b) the District Planning Officer - Members;
- (c) the District Council Chairman - Member;
- (d) the District Council Clerk - Member;
- (e) all members of Parliament from the District - Members;
- (f) all members of House of Representatives from the District - Members;
- (g) the Chairman of Town Council - Member
- (h) the clerk of Town Council - Member



- (i) all Heads of Government Departments of Institution in the District will be invited members with no voting power;
- (j) the District Administrative Officer - Secretary,

The Functions of the Development Committee.

23. The functions of the Regional and District Development Committee shall be:-

- (a) to Supervise the implementation of government polices and to identify the problems and to advise the Government on the best way to solve those problems and to promote development of their areas;
- (b) to monitor and assist in formulation of policies for local government authorities in their areas and advise on the best implementation strategies.
- (c) to mobilise people to participate, contribute and in all ways possible assist in efficient uses of resources, protection of environment for sustainable development and in all activities of national development;
- (d) to ensure that implementation strategies correspond to relevant policies and create awareness among the people in their areas on the importance of both.
- (e) to ensure and establish understanding, cooperation and co-ordination among government agencies local government authorities, non-government organisation and the people in creating an enabling environment for sustainable development.

Regulations.

24. The Minister may make regulations not inconsistent with the provisions of this Act for the better carrying out of the provisions of this Act.

Repeal and Savings.

25.(1) The part VI and VII of the Act No.3 of 1986 are hereby repealed.



(2) Notwithstanding the repeal under subsection (1) of this section any act or thing done in accordance with the repealed parts shall be deemed to have been done under this Act.

(3) All officers and staff appointed to hold office under the repealed Act and whose appointments are enforce immediately before the commencement of this Act shall unless their officers are abolished or until their appointment are terminated or new officers are appointed in their places, continue to serve in those offices and shall for that purpose, be deemed to be serving in those offices in pursuance of this Act.

PASSED in the House of Representatives on the 5th day of February, 1998.

(KHAMIS JUMA CHANDE)
CLERK OF THE HOUSE OF REPRESENTATIVES