



**THE HOUSE OF REPRESENTATIVES SERVICES
COMMISSION ACT, 2004**

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ACT NO. 2 OF 2004

I ASSENT

Amani Abeid Karume

{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

18TH FEBRUARY, 2004

**AN ACT TO PROVIDE FOR THE ADMINISTRATIVE AND EXECUTIVE
FUNCTIONS OF THE ZANZIBAR HOUSE OF REPRESENTATIVES
SERVICES COMMISSION AND OTHER MATTERS RELATING
TO THE CIVIL SERVICE OF THAT HOUSE**

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY

Short title and
commencement.

1. This Act may be cited as the House of Representatives Services Commission Act, 2004 and shall come into operation immediately upon being assented to by the President.

Interpretation.

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

"House Servant" means any civil servant working in the House whether he was employed by the House or has been transferred from other office;

"Commission" means the House of Representatives Service Commission established by section 77 (2) of the Constitution;



"Constitution" means the Zanzibar Constitution, 1984;

"Chairman" means the Chairman of the Commission;

"House" means the Zanzibar House of Representatives;

"Minister" means the Minister for the time being responsible for matters relating to the House and includes any Minister empowered with such functions;

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

"Speaker" means the Speaker of the House elected according to section 73 (1) of the constitution.

Members of the
Commission.

PART II
COMPOSITION AND FUNCTIONS OF THE COMMISSION

3. (1) The House of Representatives Services Commission shall consist of the following members:

- (a) the Speaker as Chairman;
- (b) the Chairman for Civil Service Commission as member;
- (c) the House Counsellor as a member;
- (d) two persons having adequate knowledge and experience in administration and civil services matters appointed by Speaker;
- (e) the Clerk to the House shall be the Secretary of the Commission.

(2) A person shall not qualify for appointment as a member of the Commission if he holds the office of -



- (a) a Member of the House who is not a Speaker of the House;
- (b) a District Commissioner;
- (c) a Judge or Magistrate.

(3) All correspondence to the Commission shall be made and addressed to the Secretary.

(4) The Chairman may invite any person who deems appropriate to attend the meeting of the Commission.

(5) The tenure of office of the Commission is five years the same as the life of the House.

Term of office.

4.(1) The office of a member shall become vacant -

- (a) If five years term expires;
- (b) If a circumstance arises which if he were not a member it would disqualify from appointment to the office;
- (c) A member who is appointed by the Speaker, if he submits his resignation by writing in his own hand to the chairman;
- (d) If he dies.

(2) If any important matter arises which needs the determination of the commission and that time the commission is not in office, the persons who were the members of that commission before the expiration of their term of office, may meet and determine that matter after receiving the consent of speaker.



Meeting of the Commission.

5.(1) The Commission shall meet at least twice a year but the Chairman may, at any time if need arises, call and convene a special meeting.

(2) The quorum for any meeting of the Commission shall be half of the members.

(3) Subject to the provision of this Act, the Commission may formulate its own procedure to regulate its functions.

(4) Subject to its rules of procedure the Commission may exercise its functions notwithstanding any vacant or absence of any member, but any decision of the Commission shall be by a majority of the members present.

(5) If in any decision of the Commission the votes of members tie, the chairman shall have a decisive vote.

Functions of the Commission.

6. The functions of the Commission shall be -

- (a) to employ officers and all Civil Servants of the House except the Speaker and Clerk to the House;
- (b) to appoint person to hold office and to exercise disciplinary action to such officers and House Servants in accordance with the applicable law and the House Services Regulations;
- (c) to approve the House Civil Services structure and Regulations;
- (d) to determine salary scales, allowance, and other benefits for the House Servants;
- (e) to terminate in accordance with the provisions of a contract, the appointment of any person serving under that contract;



- (f) to confirm in the service all House Servants employed under probation;
- (g) to receive and determine appeals from the decision of the different House disciplinary authorities;
- (h) to deal with all other matters concerning House Services.

PART III POWERS OF THE COMMISSION

Establishment of a Committee.

7.(1) The Commission may, in exercise of its functions under this Act, establish a Special Committee to assist the Commission in carrying out its functions and may appoint to such Committee members of the Commission or other persons or both not exceeding five persons in total to constitute such a Committee.

(2) The Commission shall determine the procedure to be followed by the Committee established under this section and shall be subject to such instructions as the Commission may from time to time direct.

Powers of dismissal and removal.

8.(1) The powers of the Commission to dismiss, and terminate the appointment of any House Servant shall be exercised in accordance with the provisions of this section.

(2) The powers to dismiss any House Servant shall not be exercised unless -

- (i) a disciplinary charge is preferred against him;
- (ii) he is afforded not less than twenty one days to answer the charge; and



- (iii) an inquiry is held into the charge in accordance with regulations made under section 14 of this Act;
- (iv) the disciplinary charge against him is proved.

(3) Nothing in this section shall be construed as restricting -

- (a) the compulsory retirement of any House Servant under the provisions of any other Act;
- (b) the termination, otherwise than by dismissal, of the Service of any House Servant in accordance with the terms of his employment.

The Commission may hear complaints.

9.(1) The Commission shall from time to time and as may deem fit, have powers to hear and determine any complaint from any House Servant or any other person of the House.

(2) The Commission may require any House Servant, or any other person to attend and give information before the Commission concerning any matter which is required to be considered by the Commission in the carrying out of its functions.

(3) Any person who without justifiable cause has failed to attend or has attended but refused to give information as he is required to give under the provision of sub-section (2) of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Legal proceedings.

10.(1) Any person who is not satisfied with the decision of the Commission against him he may appeal to the High Court of Zanzibar.



PART IV
MISCELLANEOUS PROVISIONS

Prohibition of un
authorized person
disclosure of
information.

11.(1) No member, or any other person shall, without the written permission of the Chairman, publish or disclose to any unauthorized person or by any other person otherwise than in the course of his duty, the contents of any document communication or information of any kind which has come to his knowledge in the course of the performance of his duties under this Act.

(2) Any person who knows any information which to his knowledge has been disclosed in contravention of this section and who publishes or communicates it to any other person for purposes other than any prosecution under this Act or the exercise of his official functions, is guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for attempt
to influence the
Commission.

12.(1) Without prejudice to the provisions of any other written law, every person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner influences or attempts to influence any decision of the Commission is guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Nothing in subsection (1) of this section shall be construed as prohibiting any person from giving a certificate or testimonial to any applicant or candidate for any office or from supplying any information or assistance at the request of the Commission.



The Civil Service Regulations not applicable.

13. The Civil Service Regulations shall not apply to House Servants.

Regulations.

14.(1) The Minister, in consultation with the Commission, may make Regulations providing for any matter which by this Act, may be provided for by Regulations.

(2) Without prejudice to the generality of the provision of subsection (1) of this section Regulations made under this section may -

- (a) prescribe disciplinary penalties and awards;
- (b) require person to attend before the Commission to answer question relating to the exercise of their functions.

(3) All regulations and rules made under this section shall be published in the Official Gazette of the Revolutionary Government of Zanzibar.

Passed in the House of Representatives on the 15th day of January, 2004.

K. Chande

{ KHAMIS JUMA CHANDE }

CLERK OF THE HOUSE OF REPRESENTATIVES