



**THE WRITTEN LAWS (MISCELLANEOUS AMENDMENT)  
ACT, NO. 12 OF 2011**

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ACT NO. 12 OF 2011



{ DR. ALI MOHAMED SHEIN }  
PRESIDENT OF ZANZIBAR  
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

*5<sup>th</sup> December*, 2011

AN ACT TO AMEND VARIOUS WRITTEN LAWS  
AND MAKE BETTER PROVISIONS THEREOF

ENACTED by the House of Representatives of Zanzibar.

**PART I  
PRELIMINARY PROVISIONS**

Short title and Commencement 1. This Act may be cited as the Written Laws (Miscellaneous Amendment) Act of 2011 and shall come into operation immediately after being assented to by the President.

**PART II  
AMENDMENT OF THE DRUGS AND PREVENTION OF  
ILLICIT TRAFFIC DRUGS ACT, NO. 9 OF 2009**

Construction. 2. This Part shall be read as one with the Drugs and Prevention of Illicit Traffic Drugs Act, No. 9 of 2009 in this Part referred to as the "Principal Act".

Amendment of section 1. 3. Section 1 of the Principal Act is amended by deleting the short title and substitute by the following new title:-

"the Drugs and Prevention of Illicit Drugs Trafficking Act".



Amendment  
of section  
2

4. Section 2 of the Principal Act is amended by:-

- (a) deleting the interpretation of the word "Government Chemist" and substituting by the following new interpretation:

"Chief Government Chemist" means the Chief Government Chemist appointed under the provisions of the Chief Government Chemist Laboratory Act;

- (b) deleting the words "Drugs and" appeared in the interpretation of the words "Minister" and "Ministry";

- (c) adding interpretation of the following words in their alphabetical order:-

"controlled substance" means any substance which the Government may, having regard to the available information as to its possible use, production or manufacture of narcotic drugs or psychotropic substances or it is contrary to the provisions of any related International Convention, by notification in the Official Gazette, declare to be a controlled substance;

"drug abuse" means the use of any controlled substance to alter the state of ones body or mind for the reason other than medical purpose;

- (d) deleting the interpretation of the word "cannabis" and substituting by the following new interpretation:-

"cannabis (hemp)" means:-

- (i) charas, that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish;

- (ii) ganja, that is, tops of cannabis plant yielding flowers or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and

- (iii) any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared there from.



(e) deleting the interpretation of the word "Executive Director" and substituting by the following new interpretation:-

"Executive Director" means Executive Director appointed under section 4C of this Act;

(f) deleting the interpretation of the words "Police Officer"; and

(g) deleting the closing words at the end of interpretation section.

Amendment  
of  
section 4.

5. Section 4 of the Principal Act is repealed and replaced by the following new section:-

Establishment  
of the  
Commission.

4.(1) There shall be a Commission for National Coordination and Drug Control which shall be responsible for defining, promoting and coordinating the policy of the Government for the control of drug abuse and drug trafficking.

(2) The Commission shall have the following members:-

- (a) First Vice President who shall be the Chairperson;
- (b) Minister of State, First Vice President's Office;
- (c) Minister of State, Second Vice President's Office;
- (d) Minister responsible for Health;
- (e) Minister responsible for Youth;
- (f) Minister responsible for Education;
- (g) Minister responsible for Ports and Airports;
- (h) Minister responsible for Tourism;
- (i) Minister responsible for Regional Administration;
- (j) Minister responsible for Legal Affairs;
- (k) Director of Public Prosecutions;
- (l) Commissioner of Immigration Services of Zanzibar;



- (m) Commissioner of Police Zanzibar;
- (n) Deputy Director of Tanzania Intelligent Services Zanzibar;
- (o) Deputy Commissioner responsible for Custom Zanzibar;
- (p) Chief Government Chemist; and
- (q) any other two members appointed by the Minister as he deems fit.

(3) The Executive Director shall be a Secretary to the Commission.

Addition  
of new  
sections  
4A, 4B  
and 4C.

6. The Principal Act is amended by adding new sections 4A, 4B and 4C immediately after section 4 as follows:-

Technical  
Committee.

**4A.**(1) There shall be a Technical Committee of the Commission which shall have the following members:-

- (a) Executive Director as a Chairperson;
- (b) Head of Police Anti- Drugs Abuse Unit;
- (c) State Attorney from the Office of Director of Public Prosecutions;
- (d) State Attorney from the Attorney General's Chambers;
- (e) One Officer from Custom Preventive Services;
- (f) One Officer from the Chief Government Chemist Laboratory;
- (g) Director responsible for Curative Services;
- (h) Two persons from religious institutions; and
- (i) One person from private institutions dealing with issues related to illicit drug users.



(2) Members mentioned in paragraphs (c), (d), (e), (f), (h) and (i) shall be appointed by the Minister after consultation with the respective institutions.

(3) Save for ex-officio members, the tenure of office of member shall be three years and may be re-appointed for other second term only.

Functions  
of the  
Technical  
Committee.

**4B.** The Technical Committee shall advise the Commission on policy and programmes on the control of drug abuse and drug trafficking, especially in:-

- (a) establishing a viable data and analysis system at the national level on drug abuse and drug trafficking;
- (b) developing treatment and rehabilitation programmes for drug addicts;
- (c) undertaking research on drug addiction;
- (d) to educate peoples on the effect of drugs uses;
- (e) ensuring co-ordination and support of activities of non-governmental organizations and associations participating in drug abuse control; and
- (f) to do any other function assigned to it by the Commission.

Appointment  
of Executive  
Director.

**4C.(1)** There shall be Executive Director of the Commission who shall be appointed by the President.

(2) A person shall be qualified to be appointed as Executive Director if he:-

- (a) is a Zanzibari;
- (b) holds at least a First Degree related to the functions of the Commission from a recognized institution; and





(c) has working experience related to the functions of the Commission field of not less than five years; or

(d) is a Police Officer with working experience of not less than ten years.

(3) The Executive Director shall be the Chief Executive Officer of the Commission and shall be responsible for the performance of day to day functions of the Commission.

Amendment of section 5.

7. The Principal Act is amended by repealing of section 5 and replaced as follows:-

Meeting of the Commission.

5.(1) The Commission shall hold its meeting twice a year, provided that, in case of emergency the Commission may convene an extra ordinary meeting.

(2) A Chairperson shall preside the meeting of the Commission and in case of his absence, the Minister of State, First Vice President's Office shall preside the meeting, in the absence of both, the members present shall elect one member amongst themselves to preside the meeting.

(3) More than half of the total number of members shall constitute a quorum.

(4) The Commission shall regulate its own procedure of meetings.

Addition of new section 5A.

8. The Principal Act is amended by adding new section 5A immediately after section 5 as follows:-

Meeting of the Technical Committee

5A.(1) The Technical Committee shall hold its meetings quarterly and may convene extra ordinary meeting in case of emergency.

(2) More than half of the total number of members of the Technical Committee shall constitute a quorum of the Committee.



(3) The Technical Committee shall regulate its own procedure of meetings.

- Amendment of section 7.** **9.** Section 7 of the Principal Act is amended by:-
- (a) deleting the words "and Secretariat" in the marginal note;
  - (b) repealing sub section (2) thereof; and
  - (c) re-numbering sub section (3) to be sub section (2).
- Amendment of section 10.** **10.** Section 10 of the Principal Act is amended by deleting subsection 2 thereof.
- Amendment of section 15.** **11.** Section 15 of the Principal Act is amended by:-
- (a) deleting all words after the words "is liable" in subsection (1)(a) and substituting with the words "to imprisonment for fifteen years.
  - (b) deleting the word "or" appearing after the words "fifteen years" in paragraph (b)(i) and substituting with the word "and", and delete all the words after the words "twenty million shillings" appearing at the end of that paragraph.
  - (c) deleting the words appearing immediately after the words "ten years" in the last line of paragraph (b)(ii).
- Amendment of section 16.** **12.** Section 16 of the Principal Act is amended by deleting subsection (1)(c) and substituting with the following:
- (c) if he found using illicit drugs, shall be liable to imprisonment for six month.
- Amendment of section 18.** **13.** Section 18 of the Principal Act is amended by deleting the phrase immediately after paragraph (d) and substituted with the following words:-
- "commits an offence and upon conviction is liable to imprisonment for a term of thirty years and a fine of thirty million shillings."



Amendment  
of section  
19.

14. Section 19 of the Principal Act is amended by deleting all words appearing immediately after the word "liable" and substituting with the words "to imprisonment for a term of not less than thirty years and fine of not less than thirty million shillings.

Provided that, the court shall impose another imprisonment for a term of not less than ten years for failure to pay such a fine."

Amendment  
of section  
22.

15. Section 22 of the Principal Act is amended by:-

(a) deleting subsection (1) and substituting with the following new subsection:-

"(1) Any person convicted under section 16(1) of this Act, upon conviction for the second and subsequent offence:-

- (a) if convicted under paragraph (a) shall be liable to twelve years imprisonment and fine not less than ten million shillings;
- (b) if convicted under paragraph (b) shall be liable to ten years imprisonment and fine not less than six million shillings;
- (c) if convicted under paragraph (c) shall be liable to imprisonment for twelve months.

(b) adding new sub section (2) as follows:-

(2) Any person convicted for the second and subsequent offences under sections 17, 19, 20 and 21 of this Act, shall be liable to imprisonment for a term of thirty five years or fine of sixty million shillings.

Amendment  
of  
section  
23.

16. Section 23 of the Principal Act is repealed and replaced as follows:

"23. Any person who contravenes any provisions of this Act or any rule or order made under this Act or any condition of licence, permit or authorization issued under this Act, for which no specific punishment is provided in this Part, upon conviction shall be liable to imprisonment for a term of not less than seven years and not more than fifteen years."



Addition  
of new  
section  
32A.

17. The Principal Act is amended by adding new section 32A immediately after section 32 as follows:-

Jurisdiction  
of Courts.

**32A.** Notwithstanding any other law for the time being in force, offences under this Act shall be tried by Courts as shown in the Fifth Schedule to the Criminal Procedures Act No. 7 of 2004.

Addition  
of new  
section  
33A.

18. The Principal Act is amended by adding new section 33A immediately after section 33 as follows:-

Applica-  
tion of  
rules of  
preliminary  
hearing.

**33A.** Provisions of section 171 of the Criminal Procedures Act, No 7 of 2004, and Pre-trial hearing and Accelerated Trial Rules under the Legal Notice No. 56 of 2006 shall apply to all offences under this Act.

Repealing  
of section  
48.

19. Section 48 of the Principal Act is hereby repealed.



**PART III**  
**AMENDMENT OF CRIMINAL PROCEDURES ACT,**  
**NO. 7 OF 2004**

Construction.      **20.** This Part shall be read as one with the Criminal Procedures Act, No. 7 of 2004 in this Part referred to as the Principal Act.

Addition  
of new  
Fifth  
Schedule.      **21.** The Principal Act is amended by adding new Fifth Schedule immediately after Fourth Schedule.

Reference  
as to  
sections.      **22.** All sections referred to under second column of the Fifth Schedule shall be construed as to the sections of the Drugs and Prevention of Illicit Drugs Trafficking Act.



**FIFTH SCHEDULE**  
**Jurisdiction of Courts**  
**( Made in Under Section 21 )**

| S/N | SECTION                        | OFFENCE  | PUNISHMENT   | COURT BY WHICH OFFENCE IS TRIABLE |
|-----|--------------------------------|--|--|-----------------------------------|
| 1.  | 13                             | Cultivation of certain plants and substances.  | Imprisonment for a term of not less than 15 years or fine not less than sh.40,000,000/= or both.   | Regional Magistrate Court         |
| 2.  | 14.                            | Manufacturing of narcoticsDrugs and p s y c h o t r o p i c Substances.  | An imprisonment for a term of not less than thirty years and in addition fine of sh. 30,000,000/=. | Regional Magistrate Court.        |
| 3.  | 15 (1) (a)                     | Being in possession or purchase of coca or narcotic drugs.   | 15 years imprisonment or fine not less than sh. 40,000,000/= or both.                              | Regional Magistrate Court.        |
| 4.  | 15 (1) (b) (i)                 | Trafficking narcotic drugs or psychotropic substance.  | 15 years imprisonment and fine sh. 40,000,000/=  | Regional Magistrate Court.        |
| 5.  | 15 (1) (b) (ii)                | Trafficking of any other substance other than narcotic drugs or p s y c h o t r o p i c substances which represents or holds to be narcotic drugs or p s y c h o t r o p i c substances. | Fine not less than shs. 2,000,000/= and in addition to imprisonment not less than 10 years.        | District Magistrate Court.        |
| 6.  | 15 (1) (c), (d), (e), and (f). | (c) smoking, inhaling, sniffing or otherwise using any narcotic drug or psychotropic substance.  | Imprisonment for not less than seven years or to a fine of not less than sh. 5,000,000/= or both.  | District Magistrate Court.        |



| S/N | SECTION | OFFENCE   | PUNISHMENT   | COURT BY WHICH OFFENCE IS TRIABLE |
|-----|---------|---|--|-----------------------------------|
|     |         | <p>(d) being found in any house, room or place rented for purposes of selling, smoking or inhaling, sniffing etc any narcotic drug or p s y c h o t r o p i c substance.</p> <p>(e) permitting premises to be used for preparation of opium for smoking, sell etc, or for manufacturing, sale or distribution of narcotic drugs or psychotropic substances.</p> <p>(f) being in possession of any pipe or other utensil for use in connection with the smoking, inhaling etc.</p> |  |                                   |
| 7.  | 16(1)   | Being in possession, use of small quantity of narcotic drugs and psychotropic substances:-  |  |                                   |
|     |         | (a) If cocaine, morphine, dialectally-morphine or other as may by notice published in the Gazette.  | (a) Imprisonment not less than 7 years or fine not less than sh. 5,000,000 <sup>00</sup> | District Magistrate Court.        |
|     |         | (b) other than those specified in paragraph (a).  | (b) Fine not less than sh. 5,000,000 <sup>00</sup> or seven years imprisonment.          | District Magistrate Court.        |
|     |         |   | (c) Six months imprisonment.   | District Magistrate Court.        |



| S/N | SECTION | OFFENCE   | PUNISHMENT   | COURT BY WHICH OFFENCE IS TRIABLE   |
|-----|---------|---|--|---|
| 8.  | 17.     | (c) Found using narcotic drugs or psychotropic substances.                      | Fine of sh. 15,000,000/= or 15 years imprisonment or both.   | District Magistrate Court.  |
| 9.  | 18.     | Administration of narcotic drugs and psychotropic substance.                    | 30 years imprisonment and fine of sh. 30,000,000/=.  | Regional Magistrate Court.  |
| 10. | 19.     | Breach of terms, license or permit.   | Imprisonment for a term not less than 30 years and fine not less than sh. 30,000,000/=                                   | Regional Magistrate Court   |
| 11. | 20.     | Financing illegal activities.   | Penalty equal to that of principal offender.   | Regional or District Magistrate Court depending on the nature of the offence. |
| 12. | 21.     | Aiding to commit offence.   | Penalty equal to that of principal offender.   | Regional or District Magistrate Court depending on the nature of the offence. |
| 13. | 22.     | Attempt to commit offence.  |  |   |
|     |         | Commission of offence after previous conviction:                                | Double penalty.  | Regional Magistrate Court   |
|     |         | (a) For offences under section 16   | 35 years imprisonment or shs. 60,000,000/=.  | Regional Magistrate Court   |
| 14. | 23.     | (b) Offences under sections 17, 19, 20 and 21.                                  | Imprisonment not less than 7 years and not exceeding 15 years.   | District Magistrate Court.  |
| 15. | 32(2)   | Any offences for which penalty not provided.<br><br>Failure to protect informer | Imprisonment for a term not less than 5 years or Fine not exceeding sh. 10,000,000/= or both such fine and imprisonment. | District Magistrate Court.  |





#### PART IV

### AMENDMENT OF THE ANTI-MONEY LAUNDERING AND PROCEEDS OF CRIME ACT NO. 10 OF 2009.

**Construction.** 23. This Part shall be read as one with the Anti Money Laundering and Proceeds of Crime Act No.10 of 2009, in this Part referred to as the "Principal Act".

**Amendment of section 2.** 24. Section 2 of the Principal Act is amended by:-

(i) adding the words "an entity engaged in" after the word "means" in the definition of "financial institution";

(ii) adding new definitions of the following words at their appropriate alphabetical orders:-

"Financial Intelligence Unit in its acronym (FIU)" means the Financial Intelligence Unit as established under section 6A of this Act;

"proceeds" means assets of any kind whether tangible or intangible, movable or immovable however acquired, and legal document or instrument in any form, including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to bank credits, traveller's cheque, bankers cheque, money orders, shares, bonds and other securities, draft and letters of credits;

"National Committee" means the National Multi Disciplinary Committee on Anti-Money Laundering established under section 6B of this Act;

"Regulator" includes the Bank of Tanzania, Tanzania Insurance Regulatory Authority, Zanzibar Law Society, Registrar General's Office, Tanzania Communication Regulatory Authority, Zanzibar Investment Promotion Authority and any other regulator who the Minister may, by notice published in the Gazette specify;

"terrorism financing" means:-



- (a) the provision of, or making available of such financial or other related services to a terrorist, group or entity which is concerned with terrorist act;
  - (b) entering into or facilitating directly or indirectly any financial transaction directed to a dealing in property owned or controlled by or on behalf of any terrorist or any entity owned or controlled by a terrorist; or
  - (c) any other act as specified in the Prevention of Terrorism Act of 2002 of the laws of Tanzania;
- (iii) deleting the definition of the word "competent authority" and substituting by the following:-
- "competent authority in relation to forfeiture order" means the authority of a foreign country which is empowered to issue forfeiture order";
- (iv) deleting the definition of the word "law enforcement agency" and substituting for it the following:-
- "law enforcement agency" means the Police Force, Immigration Services, Tanzania Revenue Authority, Zanzibar Revenue Board and any other investigative agency authorized to perform investigation of money laundering or terrorism financing;
- (v) in the definition of the word "specified offence" by deleting paragraphs (h), (i) and (j) and substituting for them the following:-
- "(h) corruption or bribery and any other related offences as provided under the Penal Act;
- (i) fraud and any other related offences;
  - (j) counterfeiting of currency";
- (vi) adding new paragraphs (r), (s), (t) and (u) as follows;
- (r) counterfeiting and piracy of products;
  - (s) murder;



- (t) grievous bodily harm;
- (u) pyramid and other similar schemes;"
- (vii) re-named paragraphs (r), (s), (t), (u), (v), (w), (x), (y), (z) as (v), (w), (x), (y), (z), (aa), (bb), (cc) and (dd);
- (viii) deleting paragraph (dd) as re-named and substituting for it the following:-
  - (dd) any other offences as the Minister may, by notice in the Gazette, declare,  
whether committed within or outside the United Republic of Tanzania.
- (ix) deleting paragraph (b) in the definition of the word "tainted property" and substituting for it the following:-
  - "(b) any proceeds of crime";

Addition  
of new  
sections  
6A and  
6B.

**25.** The Principal Act is amended in Part II by adding new sections 6A and 6B immediately after section 6 as follows:-

FIU to  
apply in  
Zanzibar.

**6A.**(1) There shall be a Department to be known as a Financial Intelligence Unit or in its acronym FIU as established under the Anti Money Laundering Act, Cap 423 of Laws of Tanzania.

(2) The FIU shall be responsible for receiving, analyzing and disseminating information received from the reporting persons and other sources from within and outside Zanzibar.

Application  
of National  
Multi-  
Disciplinary  
Committee  
to Zanzibar.

**6B.**(1) There shall be a National Multi-Disciplinary Committee on Anti-Money Laundering as established under the Anti Money Laundering Act, Cap 423 of Laws of Tanzania.

(2) The provisions of the Anti-Money Laundering Act Cap. 423 of the laws of Tanzania relating to Financial Intelligence Unit and National Multi-Disciplinary Committee shall apply to Zanzibar as if such provisions were enacted under this Act.



(3) The provisions of section 6A and subsections (1) and (2) of this section, shall, in so far as they relate to their application in Zanzibar, not be deemed to have been automatically amended when they are amended by the Parliament and that amendment shall not apply and extend to Zanzibar until the same be amended by the House of Representatives of Zanzibar.

Addition of new of section 9A. **26.** The Principal Act is amended by adding new section 9A immediately after section 9 as follows:-

Actions against body corporate.

**9A.** Notwithstanding the provisions of section 8(b) of this Act, if an offence is committed by a body corporate, the Regulator or FIU as the case may be, may take the following actions against such body corporate:-

- (i) bar permanently or for a maximum period of three years to carry on business; or
- (ii) place it under the supervision of the competent authority; or
- (iii) close it permanently or for a period of five years its premise which is used for the commission of the offence; or
- (iv) wind it up in accordance with the provisions of the relevant law.

Amendment of section 10.

**27.** Section 10 of the Principal Act is amended by:-

(a) adding new sub section (6) immediately after sub section (5) as follows:

“(6) Notwithstanding the provisions of this section, the Regulator may, in performing its duties, conduct inspections in or outside the premises for monitoring and ensuring compliance with the provisions of this Act”.

(b) renumbering sub section (6) to be (7).



Amendment  
of section  
11.

**28.** Section 11 of the Principal Act is amended by:-

(i) deleting sub section (1)(a) and substituting for it:-

(a) records of all transactions, records of account files and business correspondence carried out , in accordance with the requirements of subsection (3) of this section; and

(ii) deleting sub section (3) and substituting for it the following:-

“(3) A reporting person shall keep records for a period of at least ten years from the date the relevant business or transaction was completed and such records shall be made available on timely basis to domestic authorities upon appropriate request.”

(iii) adding new sub section (5) as follows:-

“(5) Any reporting person who contravenes the provisions of this section commits an offence and shall be liable to:-

(a) administrative sanctions as prescribed in the Regulations made under this Act; or

(b) criminal sanctions as provided for under section 14 of this Act.

Amendment  
of section  
12.

**29.** Section 12 of the Principal Act is amended by adding new sub section (5) as follows:-

“(5) Notwithstanding the provisions of sub section (3) of this section, the records of other transactions shall be kept in the manner prescribed by the Minister in the Regulations”.

Addition  
of new  
section  
14A.

**30.** The Principal Act is amended by adding new section 14A immediately after section 14 as follows:-

Administrative  
sanctions.

**14A.** Where any reporting person fails to comply with the reporting obligations provided for under sections 10, 12, 13 and 14 of this Act, the Commissioner or Regulator as the case may be, shall impose administrative sanctions against such person as prescribed in the Regulations made under this Act.



- Amendment of section 15.      **31.** Section 15 of the Principal Act is amended by deleting sub section (3) thereof.
- Amendment of section 16.      **32.** Section 16 of the Principal Act is amended by:-
- (a) renumbering section 16 as section 16(1); and
  - (b) adding new subsection (2) as follows:-
- “(2) Notwithstanding the provisions of the law relating to fidelity and secrecy, a bank or financial institution may, in matters related to money laundering, share any information relating to its customers or their affairs, with or without request”.
- Amendment of section 17.      **33.** The Principal Act is amended by repealing section 17 and substituting for it the following:-
- “17. Notwithstanding any other law, no criminal, civil, disciplinary or administrative proceedings for breach of banking or professional secrecy or contract shall be instituted against a bank, cash dealers or financial institution or designated non-financial businesses or professions or their respective directors, head of institution, partners, professions or employees who in good faith, submit reports or provide information in accordance with the provisions of this Act”.
- Addition of new section 17A.      **34.** The Principal Act is amended by adding new section 17A immediately after section 17 as follows:-
- 17A.**(1) In any criminal proceedings brought under this Act, the Court may, upon application by the Director of Public Prosecutions, order:-
- (a) witness testimony to be given through the use of communication technology such as video conferencing;
  - (b) non-disclosure or limitations as to the identity and whereabouts of a witness taking into account the security of the informer or witness; or
- Protection of witnesses and informers.*



(c) any other protection as the court may upon application by the Director of Public Prosecutions, order.

(2) The provisions of sub section (1) of this section shall apply equally to victims in so far as they are witnesses”.

Amendment  
of section  
18.

**35.** Section 18 of the Principal Act is amended:-

(a) in subsection (1), by deleting the words “an appropriate authority shall be subject” and substituting for it the words “the Minister, shall declare such amount of money or negotiable instrument”; and

(b) in subsection (3), by deleting the words “competent authority” and substituting for it the words “law enforcement agency”.

Addition  
of new  
section  
18A.

**36.** The Principal Act is amended by adding new section 18A immediately after section 18 as follows:-

Duties of  
the  
Regulator.

**18A.(1)** The Regulator shall:-

(a) supervise compliance of laws by their regulated entities;  
(b) conduct internal and external examination for monitoring and ensuring financial institutions and other institution compliance with the requirements of the provisions of this Act; and

(c) impose administrative sanctions for non compliance.

Amendment  
of section  
23.

**37.** Section 23 of the Principal Act is amended by deleting sub section (2) and substituting for it the following:-

“(2) When an application for a confiscation is made, before such person convicted by the Court, and the court has not passed sentence and if it is satisfied that it is reasonable to do in all the circumstances, defer passing sentence until it has determined the application for the confiscation order”.



Addition of new sections 81A and 81B. **38.** The Principal Act is amended by adding new sections 81A and 81B immediately after section 81 as follows:-

Disclosure of information. **81A.** Any person who is or has been engaged in the administration of this Act, save for the purpose of exercise of his functions or when required to do so by a Court or under any written laws, discloses any information acquired by him in the exercise of his functions under this Act, to any other person commits an offence.

General penalty. **81B.** Where a person contravenes any provisions of this Act or regulations made hereunder and no specific penalty has been provided by any provisions of this Act, shall upon conviction:-

- (a) in case of an individual be liable to a fine not exceeding five hundred million shillings and not less than one hundred million shillings or to a term of imprisonment not exceeding three years;
- (b) in case of body cooperate, be liable to fine not less than five hundred million shillings or in alternatively, where an offence to which this paragraph applies, on conviction every director, manager or leader of that body shall be deemed to have committed an offence.

Amendment of section 87. **39.** Section 87 of the Principal Act is amended by:-

(i) inserting new paragraph (b) as follows:-

“(b) manner and procedure when carrying out customer due diligence;”

(ii) re-naming paragraph (b) as (c).

**PASSED** in the House of Representatives of Zanzibar on 25<sup>th</sup> day of October, 2011.

{IBRAHIM MZEE IBRAHIM}  
CLERK OF THE HOUSE OF REPRESENTATIVES  
ZANZIBAR.