



**THE ZANZIBAR CONSTITUENCY DEVELOPMENT FUND
ACT, NO. 4 OF 2012**

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S C H E D U L E I and II



ACT NO. 4 OF 2012

I ASSENT

{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

26th May, 2012

**AN ACT TO ESTABLISH ZANZIBAR CONSTITUENCY DEVELOPMENT
FUND AND OTHER RELATED MATTERS**

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

- Short title and commencement. 1. This Act may be cited as the Zanzibar Constituency Development Fund Act, 2012 and shall come into operation after being assented to by the President.
- Interpretation. 2. In this Act, unless the context otherwise requires:-
- "Committee" means the Constituency Development Committee established under section 9 of this Act;
- "Constituency" means electoral constituency established pursuant to the provisions of the Constitution and the Election Act;
- "Constitution" means the Constitution of Zanzibar of 1984;
- "Director" means the Director responsible for coordination in the Office of the Second Vice President;
- "Fund" means Zanzibar Constituency Development Fund established under section 3 of this Act;



“Minister” means the Minister responsible for the matters relating to the House of Representatives;

“President” means the President of Zanzibar and the Chairman of the Revolutionary Council;

“Principal Secretary” means the Principal Secretary of the Ministry responsible for the House of Representatives;

“Projects Implementation Team” means the persons among the community members that are appointed by the Committee for implementation of the projects under the provisions of this Act;

“Sheha” means a local leader appointed in accordance with the provisions of the Regional Administration Act.

PART II ESTABLISHMENT AND MANAGEMENT OF THE ZANZIBAR CONSTITUENCY DEVELOPMENT FUND

Establishment
of the
Constituency
Development
Fund.

3.(1) There is established a Fund to be known as the Zanzibar Constituency Development Fund also to be known as Fund.

(2) The Fund shall be administered by the Principal Secretary

(3) The charge on, and every expenditure from the Fund shall be made in accordance with the Public Finance Act, the Public Procurement Act, this Act and any other relevant laws.

Sources of
the Fund.

4. There shall be paid into the Fund:

(a) the amount of money as appropriated in the annual budget for the purpose of development expenditure for each constituency; and

(b) any moneys accruing to or received from any other lawful source.

Allocation
of Funds.

5.(1) The funds referred to under section 4 of this Act shall be disbursed equally to all constituencies in Zanzibar.



(2) All funds allocated in terms of subsection (1) of this section shall be:-

- (a) posted directly from the Fund to the respective Accounts which shall be opened and run by the Committees; and
- (b) administered in accordance with the provisions of this Act relating to opening, keeping and maintaining Development Committee Accounts for each constituency.

Functions of Director.

6. The functions of the Director shall be:-

- (a) to ensure timely and efficient disbursement and management of moneys from the Fund to every Committee;
- (b) to ensure efficient management of the Fund;
- (c) to receive quarterly and annual reports and returns from the Committees;
- (d) to monitor and evaluate the implementation of the projects by the respective Committees for the proper management of the Fund.

Funds to be retained in the Fund.

7.(1) All receipts and savings to the Fund and the balance of funds at the end of each financial year shall be retained by the Fund.

(2) Subject to section 6(a) of this Act, all funds deposited in Constituency Development Committee Accounts shall be cumulative and carried forward from one financial year to the next, including funds returned into accounts or funds which are not utilized for whatever reasons.

Disbursement from Fund.

8.(1) Every allocation and disbursement of funds from the Fund shall be approved by the Principal Secretary.

(2) All disbursements from the Fund shall be made for specific projects as submitted by the constituencies and approved by the Committee in accordance with the provisions of this Act.

(3) All disbursements from the Fund shall be made through the Fund account.



(4) The Copies of the record of the amounts received by each Committee and expenditure of amounts so received shall be submitted to the Principal Secretary within thirty days from close of the relevant financial year together with copies of all relevant documents related to the expenditure made in the said financial year and no disbursements for the succeeding financial year shall be made into the accounts until the returns are dully received.

(5) Subject to any provision of the Public Finance Act, the Principal Secretary may set out and observe general conditions and requirements for the release of funds and such conditions shall be observed by the Committees.

(6) With the approval of the Principal Secretary, the Director may impose reasonable requirements including restrictions on a particular constituency due to the previous misuse of funds and such restrictions or requirements shall be reported together with a recommendation on appropriate legal action in accordance with this Act or any other law.

(7) All funds received under this Act shall be audited and reported upon by the Controller and Auditor General of Zanzibar like any other funds of the Ministry.

PART III CONSTITUENCY DEVELOPMENT COMMITTEES

Establishment
and
Composition
of the
Committee.

9.(1) Within three months after the general election, there shall be established a Constituency Development Committee for every constituency in Zanzibar, which shall remain in office until it is replaced by the committee to be established following the next general election.

(2) The Committee shall be composed of the following members:-

- (a) the elected Member of the House of representatives in a relevant constituency who shall be a Chairperson;
- (b) two Concillors within a constituency appointed by the Chairperson;
- (c) two Sheha within a relevant Constituency appointed by Chairperson;
- (d) the following category of members who shall be appointed by the Member of the House of Representatives of the constituency in consultation with the Concillors and Shehas and shall consider gender:-



- (i) one person who reside within a relevant constituency from Civil Society Organizations or related institutions within a constituency if any and must have at least secondary education;
- (ii) two respected persons who reside within a relevant constituency;
- (iii) one person with a special needs who reside within a relevant constituency at least must have a secondary education.

(3) The Committee may appoint one amongst its members to be a Secretary.

(4) The elected Member of the House for a constituency may at any time convene constituency meetings in his or her constituency to deliberate on development matters relating to Fund for the constituency and shall report the same to the Committee.

(5) In case of a vacancy in a post of the Member of the House for a constituency by any reason, the Committee shall appoint one of the Councillors to be a Chairperson of the Committee until such time when another Member of the House for respective constituency is so elected.

Provided that:

- (a) the Committee existing prior to by-election shall continue to be in office in a manner provided under this Act; and
- (b) the list of approved projects shall not be changed merely for the reason of the absence of the member of the House or coming in Office of another member of the House following by-election.

(6) Without prejudice to subsection (5) of this provision, where a vacancy occurs in the Committee by reason of resignation, incapacity or death, the Committee shall fill the vacancy from the same category of persons where the vacancy has occurred.

(7) The Committee shall meet four times in every financial year but it may convene any extra meeting if the need arises.

(8) All meetings of the Committee shall be presided over by the Chairperson, and in his absence, one of the Councillors to be appointed by the members of the committee.

(9) The quorum for every meeting of the Committee shall be more than half of the total number of its members.



(10) The decision will be made through votes, in the case of folding of the votes the person presiding the meeting shall have casting vote apart from his ordinary vote.

(11) Meetings of the Committee shall be called by the Secretary upon the direction of the Chairperson or on the request of one third of the members of the Committee submitted before the secretary.

Functions of
the Committee.

10.(1) The Committee shall deliberate on project proposals from the community in the constituency and any other projects which the Committee considers beneficial to the constituency, including joint efforts with other constituencies and supervise implementation of the projects.

(2) Upon compilation of a list of the projects, the secretary to the Committee shall keep the record of the projects to be attached with the list and be submitted to the Committee.

(3) Without prejudice to subsection (1) of this section, the general responsibility of the Committee shall be to:

- (a) receive, record and scrutinize project proposals from the community;
- (b) compile quarterly and annual records, returns and reports of development projects undertaken in the constituency;
- (c) initiate the project proposals that are appropriate to the constituency; and
- (d) execute any other function relating to constituency Development Fund as may be necessary.

(4) Subject to the provisions of sub section (2) of this section, the Committee shall submit the project proposals to the Principal Secretary who, upon certification that the project has fulfilled the provisions of this Act, shall disburse the funds.

(5) The list of Constituency Development Fund shall be prepared by the Constituency Development Committee.



PART IV SUBMISSION OF CONSTITUENCY PROJECT PROPOSALS

Constituency
Projects
Proposal.

11.(1) The list of constituency based projects for which funds from the Zanzibar Constituency Development Fund may be disbursed shall be initiated by the members of the Community who are residents in a constituency.

(2) The Committee shall deliberate on the projects referred to under section 10(2) of this Act.

(3) The Committee shall put into consideration the projects to be implemented and for which the funds from the Fund are to be disbursed according to priorities to be determined by the committee

Approval
of projects
by the
Committee.

12.(1) The Committee shall consider projects proposals before the end of the month of December in each year.

(2) Upon approval of the projects proposals, the Committee shall submit the same to the Principal Secretary for certification and funding procedures in accordance with this Act.

(3) The Principal Secretary may return to the committee projects which do not comply with the criteria for funding so that the committee may observe the requirements and resubmit the project for funding.

(4) All projects approved by the Committee for a constituency shall be listed in the Form specified in section 17 of this Act together with the cost estimates of such projects.

Submission
Form.

13. The list of projects approved by the Committee shall be submitted to the Principal Secretary on a Standard Constituency Projects Submission Form set out in the First Schedule of this Act before the end of the month of January in each year.

Projects
description
Form.

14.(1) Subject to the provisions of section 15 of this Act, for every project listed in the Form there shall be attached a Standard Projects Description Form set out in the Second Schedule which shall among others, contain precise description of the project, status, the amount of the sums allocated and the amount of the sums requested.



(2) The Minister in consultation with the Principal Secretary may amend any of the Schedules to this Act.

Criteria for
Projects.

15.(1) The types of projects submitted for funding to the Principal Secretary from the Committee under this Act shall comply with the provisions of this Act and the guidelines issued by the Principal Secretary.

Projects
to be
Community
based.

16.(1) All projects under this Act shall be community based and shall be in line with major national development policies in order to ensure that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular constituency.

(2) Any funding under this Act shall be for a complete project or a defined phase, unit or element of a project and may include the acquisition of land and buildings.

(3) All projects shall be development projects and may include costs related to studies, planning and design or other technical input for the project but shall not include recurrent costs of a facility.

(4) Funds provided under this Act shall not be used for the purpose of supporting political bodies or political activities.

Standard
Form.

17.(1) The projects proposals shall be included in the Standard Constituency Submission Form specified in the First Schedule.

(2) Any project to be funded under unspent funds at the end of the financial year may be lumped together as one project with sub projects, where applicable, for the purpose of subsection (1) of this section.

(3) Project activities of a similar nature in a particular constituency may be combined and considered as one project for purposes of subsection (1) of this section, provided that the sub projects are listed in the Second Schedule.

(4) Constituencies may pool resources for joint projects provided that the decision for such joint projects shall first be approved by the Committee of each participating constituency and shall be reflected on the projects listed for each of the participating constituency.



Personal Awards to be excluded.

18. A project or any part thereof which involve personal awards to any person in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 14 of this Act.

Counterpart funding to be permitted.

19. For the purpose of this Act, the Principal Secretary when the matter of so doing referred to him by the Committee, may consider part funding for a project financed from sources other than the Fund provided that other financiers or donors of that project have no objection.

PART V IMPLEMENTATION OF PROJECTS

Implementation and Monitoring of Projects.

20.(1) There shall be a Project Implementation Team for the implementation of the projects under the provisions of this Act.

(2) All projects approved by the committee, shall be implemented by the relevant community within a Constituency through an elected Project Implimentation Team.

(3) The Project Implementation Team referred to under subsection (1) of this section shall be elected by the community and shall consist of members as determined by the Committee.

(4) The Committee shall be responsible for all payments, and the payments shall be processed and effected by cheque in the manner and procedures provided under the Public Finance Act.

(5) Where a project in a constituency involves the purchase of equipment, such equipment shall remain for the exclusive use of that constituency and in the event of the disposal of such equipment, the amount realized shall be paid into the Fund account.

(6) The Committee shall be responsible for monitoring the implementation of the approved projects and may designate a sub-committee among themselves which shall have the functions of monitoring an on-going project.

Procurement of seivces, goods and works.

21.(1) The Constituency Development Committee shall be the Procurement Committee for the implementation of this Act.



(2) All works, goods and services relating to projects under this Act, shall be procured in accordance with Public Procurement Act.

On-going
existing
Community
Projects.

22. Any on-going or existing project initiated by a community prior or after the commencement of this Act, and which intended to be supported under this Act, shall undergo a technical and financial evaluation by the Committee in a constituency and the project status documented, before it is listed for support in accordance with the provisions of this Act.

PART VI FINANCE AND ADMINISTRATION

Committee
Account.

23.(1) For the purpose of disbursement of funds under this Act, there shall be opened and maintained a Constituency Development Committee Account for every constituency at any Bank operates in Zanzibar into which all funds from the Fund shall be deposited.

(2) At least two signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from Constituency Development Committee Account.

Provided that, for the proper implementation of sub section (1) of this section, every cheque should be signed by Chairperson or Secretary and another member of the Committee appointed by the Committee for that purpose.

(3) Funds from Constituency Development Committee Account shall only be withdrawn as disbursement for a particular project in accordance with the provisions of this Act.

(4) Each and every payment out of the Constituency Development Committee Account shall strictly be on the basis of a minuted resolution of the Committee.

(5) All receipts, savings and accruals of the Constituency Development Committee Account and balances thereof at the end of each financial year shall be retained in the Constituency Development Committee Account for the purposes for which the account is maintained.

(6) All unspent funds shall remain in the Constituency Development Committee Account and no investment elsewhere shall be permitted, provided that funds meant for a project that has been cancelled or discontinued shall be retained in the account until the end of the financial year when they may be reallocated in accordance with this Act.



(7) Any accruing revenues, interest and liabilities from any Constituency Development Committee Account shall be declared to the Principal Secretary together with the copy of annual returns.

(8) No funds from any other sources other than the Fund shall be remitted into Constituency Development Committee Account.

(9) Notwithstanding any provision of this Act, Fund shall not be used for purposes other than those provided for under this Act.

Record of receipts and disbursement.

24.(1) Funds shall be remitted so as to ensure that its disbursement to Constituency Development Committee Account may be effected within the first six months of each financial year with an initial amount equivalent to fifty per centum (50%) of the total estimated amount for the year and the remaining fifty per centum (50%) may be disbursed in the second half of the financial year.

(2) Where economic conditions allow, the Treasury may disburse at once the whole amount allocated for Fund.

(3) Upon receipt of the funds in their respective accounts from the Fund, the Committees shall acknowledge to the Director receipt of that fund.

Audit and Accounts.

25.(1) The Controller and Auditor General of Zanzibar shall have absolute power to audit Committees and Fund and make report thereon.

(2) Subject to the provisions of the Public Finance Act, the respective Committee shall submit its annual report relating to this Act to the Controller and Auditor General of Zanzibar for auditing.

Record of Disbursement.

26. (1) Without prejudice to the general provision of section 24 of this Act, the Secretary of the Committee shall oversee the administration of projects under this Act and shall compile and maintain a record of respective constituency showing all financial records on a monthly basis in respect of every project and sub-project under this Act and shall:-

(a) in every quarter, table such copy of the same record to the Committee meeting on which the Committee shall submit the same to the Principal Secretary;



(b) submit the report of the development of Fund projects in the Constituency for each year to the Committee which after approval shall submit the same to the Principal Secretary.

(2) The Secretary of the Committee in every Constituency shall make such interim returns as the Principal Secretary may deem necessary in order to facilitate the release of the next installment of the funds.

(3) The Secretary shall furnish copies referred to under subsection (1) of this section to the respective District and Regional Commissioners.

PART VII MISCELLANEOUS PROVISIONS

Administrative
cost of
Fund.

27.(1) The administrative cost for running Fund activities shall be separately met under Fund budget.

Regulations.

28. The Minister may make Regulations for management and smooth running of the Fund.

Complementary
to other
projects.

29.(1) The provisions of this Act shall be complementary to any other development projects financed by the Government or any other agency to an area of a constituency and nothing in this Act shall be construed to mean that an area may be excluded from any other development programmes by the Government or any other agency.

(2) For the avoidance of doubt, normal allocation of funds by the Government for development projects shall continue alongside the projects funded under this Act.

Offences
and Penalty.

30.(1) Any person who misappropriates, assists or causes any person to misappropriate or apply the funds, or assets from the Fund otherwise than in the manner provided in this Act, commits an offence.

(2) A person who is convicted for an offence under subsection (1) of this section shall be liable to a fine not more than three million shillings or to imprisonment for a term not more than one year or both, fine and imprisonment.



**FIRST SCHEDULE
STANDARD CONSTITUENCY PROJECTS SUBMISSION FORM
(Made Under Section 13)**

Constituency No.....

Name

Financial year

<i>Serial No</i>	<i>Name of Project</i>	<i>Amount requested (TZS)</i>	<i>Amount allocated (TZS)</i>

Total for the financial year

The manner in which the resolution was made

(i) Aninymous

(ii) By votes out of votes of the present members

Chairman of the Committee

Signature

Date

Secretary of the Committee

Signature

Date



SECOND SCHEDULE
STANDARD PROJECT DESCRIPTION FORM
(Made Under Section 14)

Constituency Name..... Financial year

Project No. Project Title

Amount allocated this financial year.....

Amount requested this financial year

Brief description of the Project

<i>Sub Project Number</i>	<i>Title</i>	<i>Amount</i>

TOTAL

Chairperson of the Committee

Signature

Date

Secretary to the Committee

Signature

Date



PASSED in the House of Representatives of Zanzibar on 29th day of April, 2012.

{ YAHYA KHAMIS HAMAD }
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR