



**THE POLITICAL LEADERS RETIREMENT BENEFITS  
ACT, NO. 2 OF 2012**

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**ARRANGEMENT OF SECTIONS**

<b>SECTIONS</b>	<b>TITLE</b>
	<b>PART I</b>
	<b>PRELIMINARY PROVISIONS</b>
1.	Short title and Commencement.
2.	Application.
3.	Interpretation.
	<b>PART II</b>
	<b>PROVISIONS GOVERNING GRANT OF BENEFITS</b>
4.	Scope of entitlement to the benefit.
5.	Disqualification of entitlement to benefit.
6.	Appropriate authority.
7.	Receiving terminal benefit from other scheme.
8.	Benefits to be charged out of the Consolidated Fund.
	<b>PART III</b>
	<b>GRANT OF BENEFITS TO FORMER PRESIDENT, FORMER VICE PRESIDENT AND FORMER SPEAKER</b>
9.	Benefits to be granted to former President.
10.	Grant of gratuity to dependants of former President.
11.	Benefits to be granted to former Vice-President.
12.	Grant of gratuity to dependants of former Vice-President.
13.	Benefits to be granted to former Speaker.
14.	Grants of benefits to dependants of former Speaker.
15.	Cessation of certain benefits.
16.	Maintenance of child or children of Political leader.



**PART IV  
BENEFITS CONFERED TO THE ENTITLED  
POLITICAL LEADERS**

17. Benefits to the Political Leaders.
18. Payment of benefits to dependants of entitled leaders.

**PART V  
MISCELLANEOUS PROVISIONS**

19. Distribution of gratuity to dependants.
20. Determination of certain per centum.
21. Regulations.
22. Repealing and Saving.
23. Amendment of Schedules.
24. Loan.
25. Benefits to widow of Political leaders.
26. Transitional provisions.

**SCHEDULES I, II, III and IV**



ACT NO. 2 OF 2012

I ASSENT

{ DR. ALI MOHAMED SHEIN }  
PRESIDENT OF ZANZIBAR  
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

28<sup>th</sup> May ..... 2012

**AN ACT TO REPEAL THE SPECIFIED STATE LEADERS RETIREMENT  
BENEFIT ACT NO. 4 OF 1988 AND POLITICAL LEADERS ACT,  
NO. 6 OF 1994 AND TO MAKE PROVISIONS FOR THE GRANT  
OF RETIREMENT BENEFITS AND SERVICES TO POLITICAL  
LEADERS UPON RETIREMENT FROM SERVICE IN A  
POLITICAL OFFICE AND OTHER MATTERS  
CONNECTED THEREWITH**

ENACTED by the House of Representatives of Zanzibar.

**PART I  
PRELIMINARY PROVISIONS**

- Short title and Commencement. 1. This Act may be cited as the Political Leaders Retirement Benefits Act, 2012 and shall come into operation upon being assented to by the President.
- Application. 2. This Act shall apply to political leaders.
- Interpretation. 3. In this Act, unless the context requires otherwise:-
- “appointing authority” means the President;
  - “appropriate authority” means authority referred under section 6 of this Act
  - “appropriate Minister” means Minister responsible for granting benefits to political leaders;





“allowance” means any other additional emolument other than salary;

“benefits” means pension, gratuity, winding up allowance or any other award granted under the provisions of this Act;

“certain per centum” means a percentage to be determined by the President;

“Constitution” means the Constitution of Zanzibar, 1984;

“dependant” in relation to a deceased political leader means:-

- (a) where the deceased political leader was a male, his Widow or widows, father and mother and child or children;
- (b) where the deceased political leader was a female, her husband; father and mother and child or children;

“Former President” means a person who has held the office of the President of Zanzibar, but has ceased to hold that office, and the expressions “Former Vice President”, “Former Minister” and “Former Deputy Minister”, shall be construed accordingly;

“Former Speaker” means a person who has held the office of the Speaker of the House of Representative but has ceased to hold that office and the expression; “Former Member of the House of Representatives shall be construed accordingly;

“gratuity” means payment granted to a political leader upon cessation of service;

“midterm” means prior completion of the term of the government as provided under the constitution;

“Political leader” means a person who serves or has served in office as the President, Vice President, Attorney General, Minister, Deputy Minister, Speaker of the House of Representatives, or a Member of the House of Representatives;

“Political office” means the office of the President, Vice President, Attorney General, Minister, Deputy Minister, Speaker of the House of Representative, or Member of House of Representatives;



“Public Service” means any service under direct control of Civil Service Commission, Judicial Service Commission, House of Representatives Service Commission, Special Department Service Commission or any other Service Commission and shall include services in the agencies and public institutions;

“Public Servant” means an employee in the public service;

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

“salary” means the basic salary of a political leader excluding allowances;

Vice President” means the First Vice President and the Second Vice President of Zanzibar.

“Widow” means a former wife of the late President, former President, Vice President or former Vice President.

## **PART II PROVISIONS GOVERNING GRANT OF BENEFITS**

Scope of entitlement to the benefit.

4.(1) A Political leader shall be entitled to a grant of benefit under this Act upon the occurrence of any of the following events:-

- (a) completion of a term of service in an office to which he was elected or appointed; or
- (b) cessation of service in pursuance to the provisions of the Constitution or the provisions of any other law enforced in Zanzibar; or
- (c) abolition of the office to which he was elected or appointed; or
- (d) existence of medical evidence to satisfy that he is incapable of discharging his duties in the office to which he was elected or appointed; or
- (e) death while serving in a political office before completion of a term of service in which benefit shall be granted to dependants; or
- (f) termination of his appointment to that office by the appointing authority; or





(g) appointment to other post which necessitates quitting political post in accordance with the laws.

Disqualification of entitlement to benefit.

5.(1) A Political leader shall not be entitled to benefits under this Act if he ceases to hold a political office in circumstances proved beyond doubt, under the Constitution or any other law as disgraceful and dishonourable to Zanzibar.

(2) The President shall appoint a Chairman and two other members who are Judges or qualified to be Judges of the High Court of Zanzibar to inquire into allegations under subsection (1) of this section which justify the denial of the terminal benefits to be granted to political leaders.

(3) The procedure for conducting inquiry and matter related therein shall be provided in the regulations.

Appropriate authority.

6. The expression "appropriate authority":-

- (a) for the purpose of sections dealing with granting terminal benefits to the Former President and Former Vice President means Principal Secretary to the President's Office;
- (b) for the purpose of sections dealing with granting terminal benefits to the Former Attorney General, Former Ministers and Former Deputy Ministers means Principal Secretary Responsible for Public Service;
- (c) for the purpose of sections dealing with granting terminal benefits to the Former Speaker and Former Member of House of the Representatives means the Clerk of the House of Representatives.

Receiving terminal benefit from other scheme.

7.(1) Where immediately before a political leader other than the former President, the former Vice-President or the former Speaker was elected or appointed to become a political leader, was a public servant employed on pensionable terms or his employment was governed by an employee's terminal benefits scheme under which the terminal benefits on retirement took the form of payment of a pension, that political leader shall be deemed to be on leave without pay from his former employer and the period during which he served as a political leader shall not be taken into account for the purposes of computing any pension or gratuity, he may be granted under the pension laws or regulations governing his employment as a public servant.



(2) Where a political leader other than the former President, the former Vice President or the former Speaker who prior to become a political leader was a public servant and who, upon ceasing to become a political leader has not attained the age of compulsory retirement, he may return to his former employer and his pension or gratuity shall be calculated with reference to the provisions of the laws or regulations which governed his employment as such public servant subject to the procedure provided under sub section (1) of this section.

Benefits to be charged out of the Consolidated Fund.

8. There shall be charged and paid out of Consolidated Fund all such sums of moneys which may be granted by way of benefits to Political Leader.

### **PART III GRANT OF BENEFITS TO FORMER PRESIDENT, FORMER VICE PRESIDENT AND FORMER SPEAKER**

Benefits to be granted to former President.

Grant of gratuity to dependants of former President.

9. A person who held the office of the President of Zanzibar shall, upon ceasing to hold office, be granted benefits as provided under first schedule of this Act.

10.(1) Where the President dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants benefits which shall be equal to the total sum of money deemed to be received by him as if he was alive.

(2) When a Former President dies his widow shall be granted by an appropriate authority a pension payable monthly of the sum equal to certain per centum of the salary of the incumbent President.

Benefits to be granted to former Vice-President.

Grant of gratuity to dependants of former Vice-President.

11. A person who held the office of the Vice President of Zanzibar shall, upon ceasing to hold office, be granted benefit as provided under second schedule of this Act.

12.(1) Where the Vice President dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants benefits which shall be equal to the total sum of money deemed to be received by him as if he was alive.

(2) When a former Vice President dies, his widow shall be granted by an appropriate authority a pension payable monthly for three years of the sum equal to certain per centum of the salary of the incumbent Vice President.





Benefits to be granted to former Speaker.

**13.** A person who hold the office of the Speaker of the House of Representatives shall, upon ceasing to hold office, be granted terminal benefit as provided under third schedule of this Act.

Grants of benefits to dependants of former Speaker.

**14.(1)** Where the Speaker dies in office or if he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants' benefits which shall be equal to the total sum of money deemed to be received by him as if he was alive.

(2) When the former Speaker dies his widow shall be granted by an appropriate authority a pension payable for three years of the sum equal to certain percentum of salary payable to the incumbent Speaker.

Cessation of certain benefits.

**15.(1)** Notwithstanding the preceding provisions of this Act, the Former President or Former Vice President or Former Speaker shall not be granted their benefits specified under schedules of this Act save the gratuity and winding up allowance if he relinquishes one political office and enters upon another political office declared by this Act as specified state office unless he relinquishes or retired from that specified state office.

(2) For the purpose of this section, the expression "specified state office" means office of President of Zanzibar, the office of President of the United Republic of Tanzania, office of Vice President of United Republic of Tanzania, office of Prime Minister of United Republic of Tanzania, office of Vice President of Zanzibar, office of Speaker of United Republic of Tanzania and office of Speaker of the House of Representative.

Maintanance of child or children of Political leader.

**16.** Where the President, Vice President or Speaker of the House of Representatives dies in office, his child or children below the age of eighteen shall be maintained by an appropriate authority until such child or children attain the age of twenty years or if is a female when she get married or whichever comes first.

#### **PART IV BENEFITS CONFERED TO THE ENTITLED POLITICAL LEADERS**

Benefits to the Political Leaders.

**17.(1)** For the purpose of this Part, an entitled political leader means Attorney General, Minister, Deputy Minister and a Member of the House of Representatives.





(2) The entitled political leader shall upon ceasing to hold office, be granted gratuity of the sum equal to a certain per centum of the total sums of moneys he received as salaries when he was in office.

(3) The payment made in pursuance of subsection (2) of this section shall be calculated on the basis of total number of months which the entitled political leaders have held office.

(4) In addition to gratuity, an entitled political leader shall be paid a winding up allowance calculated on the basis of certain per centum of salary multiply by twenty four months.

(5) A winding up allowance shall only be paid to the entitled political leader upon completion of his service as provided under section 4 of this Act and shall be calculated on the basis of each completed year of service as provided for under Fourth Schedule of this Act.

(6) For the purpose of subsection (5) of this section, a completed year of service means twelve months or any part thereof of a respective year.

(7) Notwithstanding the provisions of section 4(f) of this Act and subsection (2) of this section if a Second Vice President, Minister, Deputy Minister and Attorney General is removed from his post before the expiry of the term or dissolution of the House of Representatives but continues to serve as a Member of the House, he shall not be entitled for his benefit until he ceases to be a Member of the House and his benefit shall consider all salaries obtained during his tenure of being a political leader.

Payment of benefits to dependants of other leaders.

**18.** Where the Former Attorney General, former Minister or Deputy Minister or Member of the House as the case may be dies in office or if he dies after ceasing to hold office but before benefits are paid to him, the appropriate authority shall pay to his dependants benefits which shall be calculated on the basis of the period he served in office.

#### **PART V MISCELLANEOUS PROVISIONS**

Distribution of gratuity to dependants.

**19.** The distribution of gratuity to dependants shall be made in accordance with interstate law of succession governing a community to which the deceased Political leader belongs.



Determination of certain per centum. **20.** Subject to provisions of this Act in determining certain per centum the President shall consider the sum of money received as gratuity and winding up allowance by political leader shall not be less than the sum of money received as gratuity and winding up allowance by a previous political leader under same category.

Regulations. **21.** Appropriate Minister may make regulations for better carrying out the provisions of this Act.

Repealing and Saving. **22.**(1) The Political Leaders Act, No. 6 of 1999 and Specified State Leaders Retirement Benefit Act, No. 4 of 1988 are hereby repealed.

Transitional provisions

(2) Notwithstanding the provisions of subsection (1) of this section, any payment made under the repealed Acts shall be deemed to have been made under the provisions of this Act.

(3) Notwithstanding the repeal of the Specified State Leaders Retirement Benefits Act, 1988, benefits which were payable to the Former Chief Minister under the repealed Act shall continue to be paid under this Act in the provision applied to the Vice President's benefits and this section shall be read together with section 11, 12 and 15 of this Act.

(4) Political Leader other than Former President, Former Chief Minister and Former Speaker who receive pension under the provision of Political Appointees Act, of 1990 shall continue to receive pension as if this Act has not been enacted.

Amendment of Schedules. **23.** Appropriate Minister may from time to time, in consultation with the President and Chief Secretary amends the schedules of this Act by order published in the Gazette.

Loan. **24.** (1) A political leader may be eligible to take loan in a relevant financial institution subject to the provisions of any relevant law and regulations governing staff loans in their respective office.

(2) Where a political leader dies before the expiry of his term in office, part of a loan contracted under subsection (1) of this section which shall remain outstanding shall be paid by his entitled terminal benefits.

(3) Where the terminal benefit of a political leader is not sufficient to cover the full amount of loan, the appropriate authority shall arrange with the government for the payment of such outstanding amount of the loan.





Provided that the amount payable under subsection (3) of this section shall not cover the portion of a loan contracted in excess of two third of a political leader salary.

Benefits to  
widow of  
Political  
leaders.

25. Notwithstanding the provisions of this Act, the President may, whenever he deems fit provide for other mechanism of paying benefits to widow of the Political Leader.

Transitional  
provisions

26.(1) Notwithstanding the provisions of section 17 of this Act, the per centum of salary fixed under the said provision in respect of a Member of the House current at the date of commencement of this Act, shall be at such rate which is not less than the equivalent of hundred percent of the salary of such Member payable at the date of commencement of this Act.

(2) For avoidance of doubt, it is hereby expressly provided that;

- (a) Any increment made to the salary of a Member after the commencement of this Act shall not be deemed to be part of the salary of a Member for the purpose of subsection (1) of this section;
- (b) Upon dissolution of the House current at the date of commencement of this Act in accordance with the Constitution, the provision of subsection (1) of this section shall not be applicable to the subsequent House, instead, the provisions of subsection (2) of section 17 shall be apply

**FIRST SCHEDULE**  
**BENEFITS TO FORMER PRESIDENT**  
**(Made under section 9)**

A person who held the office of the President of Zanzibar shall upon ceasing to hold office be granted:-

- (a) A gratuity of the sum equal to fifty percent (50%) of the highest salary received upon ceasing to hold office multiplied by the number of months he held office as President.
- (b) Winding up allowance of the sum equal to the amount that received as highest salary multiply by twenty four months.



- (c) A pension granted monthly of a sum equal to eighty percent (80%) of the monthly salary of the incumbent President.
- (d) A monthly maintenance allowance of a sum equal to eighty percent (80%) of the maintenance allowance being paid to the incumbent President.
- (e) Housing accommodation or fifty percent (50%) of monthly pension paid monthly as a house allowance where a former President has accommodation of his own.
- (f) Medical care in or outside Zanzibar be paid by the Government.
- (g) Water and electricity services be paid by the Government.
- (h) Four domestic servants and two guards.
- (i) An office during his life time.
- (j) Two personal assistants.
- (k) One personal secretary.
- (l) A sum of five hundred thousand shillings (Tzs. 500,000/=) per month as telephone allowance;
- (m) Two government vehicles and two drivers;
- (n) Necessary security and other protection services;
- (o) Fuel allowance, maintenance and running expenses for vehicles as provided to a Minister in the Revolutionary Government of Zanzibar for each vehicle;
- (p) diplomatic passports and use of VIP Lounge for himself, spouse and family members which includes father, mother and children under eighteen years;
- (q) payment for first class travel expenses which shall also cover the spouses and two personal assistants when requested to travel by the Government or an





international organization within and outside the United Republic of Tanzania and in the case of travel within the United of Tanzania the travel expenses shall also cover the expenses of the drivers or in case travelling for medical ground shall include a personal doctor;

- (r) Payment for first class expenses for personal journey not exceeding four in one year within the United Republic of Tanzania and one in a year outside the United Republic of Tanzania which shall also cover spouses and family members including father, mother and children, two personal assistants and in the case of travel within the United Republic of Tanzania the travel expenses shall also cover the expenses of the drivers, provided that the journey shall not exceed ten days.
- (s) House accommodation and medical care to be paid by the Government to widow.

**SECOND SCHEDULE**  
**BENEFITS TO FORMER VICE PRESIDENT**  
**(Made under section 11)**

A person who held office of the Vice President of Zanzibar shall upon ceasing to hold that office be granted:-

- (a) A gratuity of the sum equal to fifty percent (50%) of the highest salary he received multiplied by the number of months he held office as Vice President.
- (b) Winding up allowance of the sum equal to the amount that he received as a highest salary multipl by twenty-four months.
- (c) A pension granted monthly of a sum equal to eighty percent (80%) of monthly salary of incumbent Vice President.
- (d) A monthly maintenance allowance of a sum equal to eighty percent (80%) of the maintenance allowance being paid to the incumbent Vice President.
- (e) Housing accommodation or fifty percent (50%) of monthly pension paid monthly as a house allowance where a former Vice President has accommodation of his own;



- (f) Medical care in or outside Zanzibar to be paid by the Government;
- (g) Water and electricity services to be paid by the Government;
- (h) Four domestic servants and two guards;
- (i) One personal assistant;
- (j) A sum of four hundred thousand shillings (Tzs. 400,000/=) per month as telephone allowance;
- (k) One government vehicle and one driver;
- (l) necessary security and other protection services;
- (m) fuel allowance, maintenance and running expenses for vehicles as provided to a Minister in the Revolutionary Government of Zanzibar;
- (n) diplomatic passports and use of VIP Lounge for himself, spouse and family members which includes father, mother and children under eighteen years;
- (o) Payment for first class travel expenses which shall also cover the spouses and one personal assistant when requested to travel by the Government or an international organization within and outside the United Republic of Tanzania and in the case of travel within the United Republic of Tanzania the travel expenses shall also cover the expenses of the driver or in case travelling for medical ground shall include a personal doctor.
- (p) Payment for first class travel expenses for personal journeys not exceeding three in one year within the United Republic of Tanzania and one in a year outside the United Republic of Tanzania which shall also cover spouses and family members including father, mother and children, one personal assistant and in the case of travel within the United Republic of Tanzania the travel expenses shall also cover the expenses of the driver, provided that the journey shall not exceed ten days.
- (q) House accommodation and medical care to be paid by the Government to widow.





**THIRD SCHEDULE**  
**BENEFITS TO FORMER SPEAKER**  
**(Made under section 13)**

A person who held office of the Speaker of the House of Representatives of Zanzibar shall upon ceasing to hold that office be granted:-

- (a) A gratuity of the sum equal to fifty percent (50%) of the highest salary received multiplied by the number of months he held office as Speaker.
- (b) A winding up allowance of the sum equal to the amount that he received as highest salary multiply by twenty-four months;
- (c) A pension granted monthly of a sum equal to eighty percent (80%) of monthly salary of incumbent Speaker;
- (d) housing accommodation or fifty percent (50%) of monthly pension paid monthly as a house allowance where a former Speaker has accommodation of his own;
- (e) Medical care in or outside Zanzibar to be paid by the Government;
- (f) Water and electricity services to be paid by the Government;
- (g) telephone allowance as provided to Minister in the Revolutionary Government of Zanzibar;
- (h) one government vehicle and one driver;
- (i) fuel allowance, maintenance and running expenses for vehicles as provided to a Minister in the Revolutionary Government of Zanzibar;
- (j) diplomatic passports and use of VIP Lounge for himself, spouse and family members including father, mother and children under eighteen years.



**FOURTH SCHEDULE  
FORMULA FOR ENTITLEMENTS OF ENTITLED  
POLITICAL LEADERS  
(Made Under Section 17(5))**

- (i) Gratuity =  $x\%$  multiply by last salary multiply by total months served
- (ii) Winding up allowance =  $x\%$  of last salary multiply by 24 months multiply by total years served divide by 5.

**PASSED** in the House of Representatives of Zanzibar on 28<sup>th</sup> day of March, 2012.

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