



THE REGIONAL ADMINISTRATION AUTHORITY, 2014

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ACT No. 8 2014

I ASSENT

{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

31st December
....., 2014

AN ACT TO REPEAL THE REGIONAL
ADMINISTRATION AUTHORITY ACT NO. 1 OF 1998
AND TO RE-ENACT REGIONAL ADMINISTRATION
ACT, 2014 AND TO PROVIDE FOR OTHER MATTERS
CONNECTED THEREWITH AND INCIDENTAL THERETO

ENACTED by the House of Representatives of Zanzibar

PART I
PRELIMINARY PROVISION

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| Short Title and Commencement. | 1. This Act may be cited as the Regional Administration Act, 2014 and shall come into operation on such date as the Minister by notice published in the Gazette may appoint. |
| Application. | 2. This Act shall apply to all Regional Administration in Zanzibar. |
| Interpreta-tion. | 3. In this Act, unless the context otherwise requires:-

"Constitution" means the Constitution of Zanzibar of 1984;

"District or Sub-District Administrative Secretary" means a public officer whose appointment and tenure shall follow the procedures laid down under Zanzibar Public Service Act to be chief assistant to the District Commissioner; |



"District Commissioner" means a head of District Administration appointed in accordance with the provision of the Zanzibar Constitution and this Act;

"Elder person" means a person who is forty years of age or above and who is respectable in his Shehia;

"Government" means the Revolutionary Government of Zanzibar;

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

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

"Public Service Act" means Public Service Act, 2011 and includes Regulations, guidelines, directives and circulars issued under that Act by relevant Authorities;

"Regional Administrative Secretary" means a public officer whose appointment and tenure shall follow the procedures laid down under Zanzibar Public Service Act to be chief assistant to the Regional Commissioner;

"Regional Commissioner" means a head of Regional Administration appointed in accordance with the provision of the Zanzibar Constitution and this Act;

"Regional Development Committee" means the Regional Development Committee established under section 21 of this Act;

"Sheha" means a head of Shehia Administration appointed in accordance with the provisions of this Act;

"Shehia" means the lowest Administrative Authority in the hierarchy of Regional Administration.



PART II
ESTABLISHMENT OF GOVERNMENT ADMINISTRATION
OFFICES AT REGIONAL, DISTRICT AND SHEHIA LEVELS AND
APPOINTMENT OF ITS LEADERS

Establishment of
Government
Administration
Offices.

4.-(1) There is hereby established Government Administrative Office in every Region, District, Sub-District and Shehia to execute the Central Government roles and functions under this Act at the respective levels.

(2) Subject to the provision of the Constitution, the President shall define the limits of the Regional Administrative areas declared under subsection (1) of this section and assign names thereto.

(3) The Regional Administrative Offices shall be headed by:-

- (a) Regional Commissioner for every Region;
- (b) District Commissioner for every District and Sub-District in his District wherever applicable; and
- (c) Sheha for every Shehia.

Appointment and
qualifications of
Regional and
District Commis-
sioners.

5.-(1) Regional and District Commissioner shall by virtue of their posts, be public officers appointed by the President in accordance with the provision of the Constitution who shall perform their duties and functions provided under the Constitution, this Act and any other Laws applicable in Zanzibar.

(2) A person shall be eligible to be appointed as Regional or District Commissioners if he is:-

- (a) a Zanzibari; and
- (b) a Senior public servant with an experience of Management in Public Service.

(3) There shall be special remuneration and terminal benefits to Regional and District commissioners as may be determined from time to time by Central office for Public Service established under Public Service Act.

Filling vacancy of
the post of
Regional or
District
Commissioner.

6.-(1) Where Regional or District Commissioner is temporary unable to perform his duties for the reason of absence from the office, illness or any other reason, the President shall appoint acting Regional or District Commissioner in accordance with provisions of the Constitution.



(2) Subject to provisions of the Public Service Act and its Regulations, the President shall confirm and appoint the acting Regional Commissioner or District Commissioner to be Regional or District Commissioner.

Criteria and Establishment of Shehia.

7.-(1) For the purposes of better and efficient discharge of the functions of the Government at Shehia level, the Minister, in consultation with Regional Commissioner, may propose to the President to establish Shehia and administrative areas below Shehia level as he deems fit.

(2) The Minister acting under directives of the President shall define the boundaries of the administrative areas established under subsection (1) of this section and assign names thereof.

(3) The criteria for establishment of shehia shall be as follows:-

- (a) administrative convenience;
- (b) management and delivery of service;
- (c) areas with common facilities; and
- (d) population distribution.

(4) Subject to the provision of subsection (3) of this section, the President may, if the need arises and on the recommendation by the Minister, divide or merge Shehias.

Appointment and Qualification of Sheha.

8.-(1) There shall be a Sheha who shall be a public officer appointed by the Regional Commissioner of that Region in consultation with respective District Commissioner and approved by the Minister to perform duties and functions under this Act or any other laws applicable in Zanzibar.

(2) A person shall not be eligible to be appointed as Sheha unless he is:

- (a) a Zanzibari;
- (b) a respectable person;
- (c) a resident of the respective Shehia for not less than fifteen years;
- (d) a person of proven integrity;
- (e) aged forty years or more; and



(f) having ability to read and write.

(3) There shall be Deputy Sheha in every Shehia who shall be appointed by District Commissioner among the members of Shehia Advisory Council after receiving recommendation from the council members of the respective Shehia Council.

(4) Where the Sheha appointed under subsection (1) of this Section, is temporary unable to perform his duties for the reason of either absence from the office, illness or any other reason, in accordance with provisions of this, Act the Regional Commissioner shall appoint Deputy Sheha to be acting Sheha.

(5) Subject to the provisions of Zanzibar Public Service Act and its Regulations, the Regional Commissioner shall confirm and appoint Acting Sheha to be Sheha of that Shehia.

Removal of Sheha from Office.

9. Without prejudice to the provision of this Act, the removal of Sheha shall be done by the Regional Commissioner of that region after consultation with District Commissioner and approved by the Minister if:-

- (a) he fails to perform his duties due to negligence or health problem;
- (b) he is proven to have gross misconduct as defined in Public Service Act;
- (c) he does any act which is contrary to the leadership ethics;
- (d) he commits any criminal offence and sentenced to imprisonment for a term not less than six months.

Establishment of Shehia Secretary.

10.-(1) There shall be Shehia Secretary who shall be employed by the Central Government and work within the Shehia.

(2) Shehia Secretary shall be the Secretary to the Shehia and perform all statutory duties and functions assigned to him by Sheha and his employer.

Qualification of Shehia Secretary.

11. A person may be eligible to be employed as Shehia Secretary if he:-

- (a) is a Zanzibari;
- (b) is a reputable person;
- (c) is a person of good habit;
- (d) is a holder of form Six level certificate or above or equivalent education.



PART III
**FUNCTIONS AND DUTIES OF REGIONAL COMMISSIONER,
DISTRICT COMMISSIONER AND SHEHA**

Duties and
Functions of the
Regional
Commissioner.

12.-(1) Regional Commissioner shall, be the principal representative of the Government within the area of the region for which he is appointed and for that purpose all the executive functions of the Government in relation to region shall be exercised by or through the Regional Commissioner.

(2) It shall be duty of the Regional Commissioner to facilitate and assist Local Government Authorities in the region to undertake and discharge their responsibilities by providing and securing the enabling environment for successful performance of their duties and functions.

(3) 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) to monitor, supervise and be accountable for execution of the government functions in his region;
- (b) to supervise implementation of policies of the government, laws, plans and directives;
- (c) to maintain law and order in the Region in collaboration with law enforcement institutions;
- (d) to ensure that resources, both human and material are used for development purposes;
- (e) to maintain peace and security;
- (f) to resolve conflicts which arise within the region;
- (g) to ensure proper observance of human rights within the region;
- (h) to administer relationship and supervise programs and project within the region; and
- (i) to perform any other duties and functions provided in accordance with laws, regulations and orders.

Power of the
Regional and
District
Commissioner.

13.-(1) Notwithstanding to any other laws applicable in Zanzibar, Regional Commissioner may order to be arrested any person if he has reason to believe that:-



- (a) such a person is likely to commit breach of peace or disturb the public tranquillity; or
- (b) to do any act that may probably lead to breach of peace or disturb the public tranquillity; and
- (c) that, the breach cannot be prevented in any way other than by detaining that person in custody;

may order police officer verbally or in writing signed by him to arrest such person.

(2) District Commissioner shall have the same power given to the Regional Commissioner under this section and shall act accordingly to the provision of this section.

(3) A person arrested under this section shall be informed of the reason of his arrest;

(4) A person arrested under this section as soon as practicable be released or sent to court, under no circumstance shall be kept under such custody for more than twenty four hours under the order of either Regional Commissioner or District Commissioner.

Duties and
Functions
of the District
Commissioner.

14.-(1) The District Commissioner shall be the principal representative of the Government within area of jurisdiction and shall have the following functions:-

- (a) to secure the maintenance of law and order in the District;
- (b) to determine the specific directives of efforts in implementing the general policies of Government in the district;
- (c) to supervise and coordinate the implementation of policies, laws, and regulations of Government;
- (d) to maintain peace and security in the District;
- (e) to initiate and supervise District development by ensuring that human, financial and material resources are utilized for national interest and as intended;
- (f) to supervise community development within the District;
- (g) resolve different conflicts which arise within the District;
- (h) to take necessary measures for cross cutting issues;



- (i) to supervise Local Government Authorities so as to ensure that they perform their duties according to the policies, laws, regulations, order and national guidelines;
- (j) to ensure proper observance of human rights within the District;
- (k) to administer relationship and supervise programs and projects within the District;
- (l) issuing all gathering permits except political, religious and traditional gatherings; and
- (m) discharging such other functions and duties as conferred or imposed upon him by or under this Act, regulations and orders.

(2) For the purposes of this section, it shall be the duty of the District Commissioner to facilitate and assist Local Government authorities in the District, to undertake and discharge their responsibilities by:-

- (a) securing the enabling environment for successful performance of local government authorities of their duties and functions;
- (b) ensuring compliance of all persons and authorities with appropriate Government decisions, guidelines and regulations in relation to the promotion of the local government system;
- (c) doing all such acts and duties to facilitate or secure the effective, efficient and lawful execution by the authorities of their statutory or incidental functions.

Appointment and Qualifications of Regional and District Administrative Secretary.

15.-(1) There shall be in every Region, District and Sub-District Administrative Secretary who shall be appointed by the President to perform duties and functions provided under this Act or any other laws applicable in Zanzibar.

(2) A person shall be eligible to be appointed as Regional administrative Secretary if he is:-

- (a) a Zanzibari;
- (b) a Senior Public Officer; and
- (c) a holder of at least First Degree or its equivalent.

(3) A person shall be eligible to be appointed as District or Sub-District administrative Secretary if he is:-



- (a) a Zanzibari;
- (b) a Senior Public Officer; and
- (c) a holder of at least First Degree or its equivalent.

Functions of
Regional
Administrative
Secretary.

16.-(1) Regional Administrative Secretary shall be the principal assistant of the Regional Commissioner and shall assist in the running of the day to day government activities in the Region.

(2) Regional Administrative Secretary shall be incharge of the regional Secretariat and supporting staff in the Region.

(3) The Pay Master General shall appoint an Accounting Officer of the Region and Accountant General shall allocate adequate staff to undertake the accounting functions of the Region.

Functions of
District and sub-
District
Administrative
Secretary.

17.-(1) District and Sub District Administrative Secretary shall be the Principal Assistant of the District Commissioner and shall assist in the running of the day to day government activities in the District.

(2) District and sub District Administrative Secretary shall be the coordinator of local Government within his area of jurisdiction.

(3) Subject to the duties provided under this section, District and sub District Administrative Secretary shall perform all statutory duties and functions which he is required to do by this Act or any other laws applicable in Zanzibar.

Functions and
Duties of Sheha

18.-(1) Every Sheha shall be answerable to the District Commissioner of that respective District.

(2) Every Sheha shall be responsible within the area of his jurisdiction to do the following:-

- (a) to supervise all the Government laws, orders, policies, 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, customary values and wisdom of that area;
- (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 institution concerned through respective District;



- (d) to control immigration in his Shehia and keeping records thereof;
- (e) receiving notification for convening of all public meetings from appropriate authority;
- (f) to supervise finance, human and material resources of the government within its area to ensure they are used in a proper manner;
- (g) to create Development Committees within the Shehia; and
- (h) Perform any other functions assigned to him by the District Commissioner in accordance with the law.

(3) For the purposes of enabling Sheha to properly keep records of his residents, any person who intends to reside permanently in that Shehia shall, within thirty days, register to a respective Sheha.

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

(5) Any person who contravenes the requirement of sub-Section (3) and (4) of this section, or provide false or misleading information to Sheha commits an offence.

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

(3) Any person who was required by summon voluntarily to attend before the Sheha and without reasonable excuse fails to attend, commits an offence and shall, on conviction, be liable to a fine not exceeding seventy thousand Tanzania shillings, or to an imprisonment for fifteen days or both, fine and imprisonment.



(4) Any Sheha who receives information that any person in his Shehia has committed a criminal 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 for a period not exceeding six hours before he is surrendered to the Police.

(5) At any reasonable time where is necessary, Sheha may call for a public meeting within his Shehia.

Function of the Shehia Secretary.

20.-(1) Every Shehia Secretary shall have the following functions:-

- (a) be secretary to the Shehia Advisory Council of that Shehia;
- (b) coordinator of Government activities within his area of jurisdiction;
- (c) assist the Sheha in performing his functions and duties under section 18; and
- (d) prepare report of Shehia.

(2) Subject to the duties prescribed under sub section (1) of this section, Shehia Secretary shall perform all statutory duties assigned to him by Sheha.

PART IV THE REGIONAL AND SHEHIA DEVELOPMENT COMMITTEES

Establishment and Composition of Regional Development Committee.

21.-(1) There is hereby established a Regional Development Committee in every Region of Zanzibar.

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

- (a) Regional Commissioner - Chairman
- (b) The District Commissioners in the Region - Members;
- (c) Directors of Local Government Authority within the Region - Members;
- (d) All Members of the Parliament in the Region - Members;
- (e) All Members of the House of Representatives in the Region - Members;



- (f) Mayor or Chairperson of the Local Government Authority in the Region - Member
- (g) All heads of Government Department or Institutions in the region will be invited members with no voting power; and
- (h) The Regional Administrative Secretary - Secretary of the Committee.

Functions of
Regional Development
Committee.

22.-(1) The Regional Development Committee shall perform the following functions:-

- (a) to supervise the implementation of Government policy and to identify problems and to advise the Government on the best ways of solving these problems and to promote development of their area;
- (b) to supervise development activities and strategies of the Region in line with National Development Plans.
- (c) to monitor and assist in the implementation of the local government policy in their areas and advise the best implementation strategies;
- (d) to mobilize people to participate, contribute and if possible assist efficient uses of resources, protection of environment for sustainable development and in all activities of national development;
- (e) to ensure and establish understanding, cooperation and coordination among government agencies, local government authorities, non-governmental organization and the people for creating an enabling environment for sustainable development;
- (f) to consider and recommend to Local Government Authorities development plans in the region;
- (g) to provide information and advice to the stakeholders who are interested on economic development affairs in the region;
- (h) to consider reports and advice the Government on national development projects, programmes and activities affecting or relating to the region;
- (i) to monitor and ensure co-ordination of the overall economic



- development in the region; and
- (j) to Consider and forward to the Minister annual budgets, supplementary budgets and periodic reports and final accounts of Local Government Authorities.

(2) Without prejudice to the provisions of subsection (1) of this section, Regional Development Committee may do any other function directed by the Regional Commissioner.

The establish-
ment of Regional
Secretariat.

23.-(1) There is hereby established a Regional Secretariat in every Region.

(2) Subject to the provisions of Public Service Act, the Regional Secretariat shall comprise of public officers as proposed by the Minister and approved by Public Service Commission.

Functions of
Regional
Secretariat.

24. The Regional Secretariat shall perform the following functions:-

- (a) provision of technical assistance to Local Governments;
- (b) to assist the removal of backstops during implementation of activities in Local Government;
- (c) coordinate financial support from the Government and Development Partners;
- (d) supervise and give guidance to Local Government during implementation of day to day activities;
- (e) supervise and direct the Sectoral functions and roles that are not devolved;
- (f) coordinate between sectors and in planning, organizing, controlling, supervising and monitoring and evaluation; and
- (g) any other functions as may be assigned by Regional Commissioner of the respective Region.

Establishment of
Shehia Advisory
Council and its
Functions.

25.-(1) There shall be established an advisory council in each Shehia to be known as Shehia Advisory Council.

(2) The members of Shehia Advisory Council shall not be less than eleven and not more than fifteen, and one third of them shall be elder persons who shall be appointed by the District Commissioner in consultation with the Sheha from among



the residents of that Shehia.

(3) Subject to provision of sub section (1) of this section, members of the Shehia Advisory Council shall be appointed in consideration of fair representation of social group, gender and village or hamlet.

(4) The Shehia 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.

PART V MISCELLANEOUS PROVISIONS

President to
delegated powers
to Minister and
Regional
Commissioner.

26. Subject to provisions of the Constitution or this Act, the President may delegate his functions relating to Regional Administrative Authority to the Minister or Regional Commissioner as he may deem fit.

Oath of officers.

27.-(1) A Regional or District Commissioner shall not start his duties unless he has taken and subscribe to oath of allegiance and the oath for due execution of the duties of his office as prescribed under the Constitution.

(2) Subject to the provisions of the Oath and Allegiance and Letters of Appointment Act No. 1 of 1986, the Regional Administrative Secretary shall take an oath as prescribed by that Act.

(3) The provisions of Oath of Allegiance and Letters of Appointment Act No.1 of 1986 shall apply also to District and Sub-District Administrative Secretaries.

(4) Every person appointed to be Sheha shall not commence his duties of his Office unless he has taken and subscribe to oath before the Regional Commissioner as prescribed in the Schedule of this Act.

Management of
Funds.

28. The management of funds and financial administration of the Regional and Districts shall be in accordance with the Public Finance Act No 12 of 2005 and Public Procurement and Disposal of Assets Act No 9 of 2005.

Allocation of
Fund.

29.-(1) The House of Representatives shall in an Appropriation Act, provide for allocation of funds to every regional secretariat to enable it to meet estimated expenditure.

(2) Where any of the funds referred to in sub section (1) of this section relate to the expenditure of a Local Government Authorities, the funds shall be transferred to the Local Government Authority concerned as soon as may be



practicable after the allocation of the fund from the Government has been made.

Meetings of the Committees.

30.-(1) The Regional Development Committee shall meet twice a year.

(2) Shehia Advisory Committee shall meet every month.

(3) Without prejudice to the provisions of sub sections (1) and (2) of this section, any Committees may call an extra ordinary meeting at any time when it is necessary.

Regional and District Security Committee

31. Subject to the provisions of the Laws of United Republic of Tanzania, there shall be a Regional and District Security Committee in every Region and District of Zanzibar.

Legal proceeding.

32. Any person who contravenes the provisions of this Act or any part of the Regulations made under this Act, commits an offence and upon conviction shall be liable to a fine of not less than Fifty Thousand Shillings or imprisonment for a term not exceeding fifteen days or both.

Regulations.

33. The Minister may make regulations for the better carrying out of the provisions of this Act.

Repeal and Savings.

34.-(1) The Regional Administrative Authority Act, No. 1 of 1998 is hereby repealed.

(2) Notwithstanding the repeal of this Act, anything done under the repealed Act which were in force at the commencement of this Act shall be deemed to have been made under this Act until revoked or replaced.

(3) After the commencement of this Act, the Regional Commissioner, District Commissioner, Regional and District Administrative Secretaries and Sheha shall continue in office as if appointed under this Act, until such time their appointment is renewed or otherwise terminated.



THE SCHEDULE

**OATH OR DECLARATION TO BE MADE BY SHEHA
(Made Under Section 27(4))**

I

Swear by Almighty God

Solemnly and sincerely declare that without fear or favour and to the best of my ability and judgement serve Zanzibar faithfully and wholeheartedly and that I shall protect and defend the Constitution of Zanzibar in accordance with the established laws.

Sworn:-

So help me God

I have hereby confirm that I have taken this oath at

Zanzibar today day of 20.....

.....
Signature

Sworn:-

Declared before me,

Regional Commissioner this..... day of 20.....

.....
Regional Commissioner

Passed by the House of Representatives of Zanzibar on 30th October, 2014.

**YAHYA KHAMIS HAMAD
CLERK
HOUSE OF REPRESENTATIVES,
ZANZIBAR.**