



THE ZANZIBAR LOCAL GOVERNMENT AUTHORITY ACT, 2014

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ACT NO.7 OF 2014

I ASSENT

{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF THE
REVOLUTIONARY COUNCIL

31st December, 2014

AN ACT TO REPEAL THE ZANZIBAR MUNICIPAL COUNCIL ACT
NO.3 OF 1995 AND DISTRICT AND TOWN COUNCILS ACT NO.4 OF
1995 AND TO RE-ENACT THE ZANZIBAR LOCAL GOVERNMENT
AUTHORITY ACT OF 2014 FOR THE PURPOSE OF PROVIDING
FOR THE ESTABLISHMENT OF LOCAL GOVERNMENTS, THEIR
POWERS, FUNCTIONS AND DUTIES, STRUCTURES,
COMPOSITION, FINANCES AND
OTHER MATTERS RELATED THERETO

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 Local Government Authority Act of 2014 and shall come into operation on such date as be determined by the Minister and published in the Official Gazette.

Interpretation.

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

"Area" when used in relation to any Local Government Authority, means the area in which the Local Government Authority is established or empowered to exercise its jurisdiction in accordance with the provisions of this Act;

"Authorized Officer" means an Officer who has been given the power by the Authority in accordance with the provisions of this Act;

"Auxiliary Police" means persons who have basic similar Police training, working on behalf and under the control of Zanzibar Local Authorities;



"Building" includes any erection in whatsoever manner constructed, and any part of a building;

"Chairperson" means Chairperson of the council elected in respect of the council;

"City Council" means a council established in an urban area in accordance with section 18 of this Act;

"Committee" means a committee of the Council established under sections 52 and 53 of this Act;

"Council" means a Council as established under the provisions of this Act;

"Councillor" means a councillor as mentioned in Zanzibar Electoral Commission Act, No.11 of 1984;

"Department" means the department established under section 57 of this Act;

"Director" in relation to City, Municipal, Town or District Authority means the Director appointed as such under section 39 of this Act;

"Government" means the Revolutionary Government of Zanzibar;

"Head of department" means an officer appointed to lead the department mentioned under the provisions of this Act;

"Land" includes land covered with water, all things growing on land, and buildings and other things permanently affixed to land;

"Local Authority" means the authority of the Council;

"Local Government Authority" means Authority with definite administrative jurisdiction which have autonomous and powers exercised by council members and servants;

"Local Government Fund" (LGF) means a special Fund established as a "basket" for grants from Government and donors, directly committed to Local Governments development initiatives;

"Mayor" means the leader of the City or Municipal elected among the Councillors;



"Minister" means the Minister responsible for Local Governments;

"Municipality" means a Council established in Town area under the provisions of this Act;

"Nuisance" means any activity, operation, works, action, neglect or an effect of it on, in, under or over land which is offensive, injurious or prejudicial to amenity, public health, public safety and public peace, public convenience or the local or national economy;

"Officer" means any person employed by Local Authority to work on behalf of that Authority and includes a servant of the Council;

"Premises" includes any land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, drain or ditch (open or enclosed) whether public or private;

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

"Public place" includes any road, street, main road, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space and vested in a Local Authority under the provisions this Act;

"Revenues" in relation to a Local Authority, includes the general fund, all rates, Government contributions and other revenues, whether arising from land or undertakings or from any other source, receivable by the Local Authority;

"Secretary" in relation to Local Authority, means the Director of that Local Authority;

"Staff" includes Officer, Seconded, part time and Authorised Officer;

"Urban Authority" means a city, municipality or Town Council;

"Vice Chairperson" means the assistant of the Chairperson of the Council;

"Ward" means a division of jurisdiction of the Local Authority demarcated as such pursuant to the provisions of this Act;

"Zanzibari" means a Zanzibari as mentioned under the Zanzibari Act, No.5 of 1985.



PART II THE GUIDING PRINCIPLES

Local Government Authority.	<p>3.-(1) Local Government Authority is the lower level of Government which consists of a number of autonomous Local Governments Authority to be established in accordance with the provisions of this Act.</p> <p>(2) The establishment of the Local Government Authority shall be based on the principles of decentralisation and democratic governance that demands the devolution of authority and power to the lowest level of government closest to the people.</p>
The area of Local Governments Authority.	<p>4.-(1) Subject to the Zanzibar Constitution of 1984 and the provisions of this Act, the Minister shall propose to the President the division of Zanzibar into a number of Local Governments.</p> <p>(2) The territory of the Local Governments Councils shall comprise of all lands and areas that constitute Villages of Rural Shehias and Streets and of Urban Shehias.</p> <p>(3) The boundaries of each Local Government shall be demarcated in accordance with the provisions of this Act.</p>
Derivation of Local Government Authority.	<p>5.-(1) The Local Governments Authority shall be governed by people and shall be exercised in accordance with the expectation of the people by observing procedures set in this Act and any other applicable law.</p> <p>(2) The authority of the Local Government shall be vested in each Local Government Council which shall be a legal entity with the right to sue and be sued in its own name.</p> <p>(3) The authority of each Local Government Council shall be exercised through its democratic and representation of institutions of Government established in accordance with the provisions of this Act.</p>
Sources of Local Government Legislation.	<p>6.-(1) The sources of legislation in the Local Government Authority shall be:-</p> <ul style="list-style-type: none">(a) The Zanzibar Constitution of 1984;(b) The relevant laws applicable in Zanzibar;(c) The Local Government Act;(d) Precedent of High Court; and



(e) By-Laws of the respective Local Government.

Objectives of
Local
Government
Authority.

7. The objectives of the Local Government shall be to:-

- (a) promote self governance and enhance the participation of people and communities in maintaining law and order and promote democratic, transparent and accountable Local Government;
- (b) establish the Local Government Institutions deem fit for the people;
- (c) encourage the involvement of community based organizations in Local Government;
- (d) promote and facilitate civic education;
- (e) promote social, cultural and economic development;
- (f) promote self-reliance amongst the people through mobilization of local resources, to ensure the provision of services to communities in a sustainable manner;
- (g) promote peace, reconciliation and peaceful co-existence among the various communities;
- (h) ensure gender mainstreaming in Local Government;
- (i) inform and involve communities in decision making relating to the utilization of natural resources in their areas;
- (j) promote safe and healthy environment; and
- (k) encourage and support women, youth, elderly and disabled activities and the training of local cadres.

Principles of
Local Government.

8. The following principles of local governance shall be the basis for decentralization and devolution of the Local Government Authority system in Zanzibar:-

- (a) Principle of devolution: where decisions and functions shall be delegated to the lowest competent level of Government;



- (b) Self governance and democracy: Participation of all people in the exercise of their rights to express their opinions in the process of decision making in public affairs;
- (c) Rule of law; maintain law and order and its enforcement in a fair and impartial manner while respecting and honouring the norms, virtues and values of the society;
- (d) Transparency: to build mutual trust between Government and its people through the provision of information and guaranteed access to relevant information;
- (e) Equity: to provide an equitable distribution of resources throughout the Local Government Council;
- (f) Equality: to provide equal services and opportunities for all members of the local community with the aim of improving their welfare;
- (g) Responsiveness: to increase the sensitivity of the employees of government and non-governmental organisations to the aspirations of the people in service delivery and meeting public demands;
- (h) Accountability: to ensure accountability of decision-makers to the people in all matters of public interest; and
- (i) Efficiency and effectiveness: to ensure good public service delivery through optimum and responsible use of resources.

Decentralized Authority of Local Government.

9. The authority of the Local Government shall be decentralised into administrative tiers and shall have devolved authority into which the Local Authority of the Council shall be incorporated.

Tiers of the Local Government.

10. Local Government shall comprise of three tiers of governance as follows:-

- (a) City, Municipal, Town and District Councils;
- (b) The Ward councils; and
- (c) The Shehia Councils.

Types of Local Government Councils.

11.-(1) The types of Local Government Councils may be as follows:-



- (a) Urban Councils; and
- (b) Rural Councils.

(2) Urban Council is a Council established in an urban or a cosmopolitan area where more than half of its economic activities are non agricultural, with a considerable level of urban infrastructure and public utilities and are classified into:-

- (a) a City Council which shall be a corporate body, and shall be divided into Municipal Councils;
- (b) a Municipal Council which shall be a Corporate body, divided into not less than fifteen Wards of which more than half are in urban area; and
- (c) a Town Council which shall be a corporate body, and divided into Wards council with more than half are urban Councils.

(3) A Rural Council shall be known as District Council Authority established in a rural settlement or area whose economy is predominantly agricultural or fishing or mixed economy.

(4) The District Council Authority shall be a corporate body which is subdivided into not less than ten Ward Councils.

(5) A Ward, whether in Urban or Rural shall be composed of not less than two Shehias, and every Shehia shall have not less than two villages in Rural areas and not less than two Streets in urban area.

Devolution of Authority.

12.-(1) Each Local Government Council shall have devolved authority in accordance with the provisions of this Act.

(2) The Central Government shall devolve some of the activities provided in the First Schedule of this Act.

(3) The Minister may amend the third Schedule from time to time as he may be directed by the Cabinet.

(4) Each Local Government Authority:-

- (a) may delegate its authority to any other lower level Authority;



- (b) shall exercise its power in accordance with the provisions of this Act and the Zanzibar Constitution of 1984; and
- (c) shall respect the authority and powers devolved by Regional Administration.

PART III
ESTABLISHMENT OF LOCAL GOVERNMENT AUTHORITIES AND
MATTERS INCIDENTAL THERETO.

Establishment of
Local
Government
Authority.

13.-(1) There shall be established the Local Government Authorities for Urban and Rural territories.

(2) Subject to the provision of sub section (1) of this section, the Urban Authorities shall include City, Municipal and Town Councils.

(3) Subject to the Zanzibar Constitution, the Minister after approval of proposal under Section 4(1) of this Act, by the order published in the Official Gazette shall declare:-

- (a) List of established or abolished tier of Local Authority in Zanzibar;
- (b) divided or merged authorities; and
- (c) assigned or changed names of Local Authorities.

(4) Each Local Authority shall be a body corporate and shall:-

- (a) have perpetual succession and a common seal;
- (b) be capable of suing and being sued;
- (c) subject to this Act, be capable of holding, acquiring, purchasing and alienating land, and disposing of any movable property; and
- (d) be capable of doing or performing such acts as bodies corporate may by law do and perform, subject to the provisions of this Act and any other Law.

Criteria for
establishing Local
Government
Authority.

14.-(1) The Minister shall, for the purpose of the proper administration of the affairs of Local Governments, categorise Local Government authorities into grades based on the following:-



- (a) Size of the territory;
- (b) Population;
- (c) Economic viability;
- (d) Common interest of the communities; and
- (e) Administrative convenience and effectiveness.

(2) The standard criteria for the grading and establishment of the Local Government Authority referred in subsection (1) of this section, may vary depending to its situation of Urban or rural status.

(3) All the existing forms of the Local Government Authority may be reviewed and re-organised in accordance with sub-section (1) and (2) of this section.

(4) Where the Minister grades Local Government Authority, he shall issue a Notice and published in the Official Gazette specifying details of the bases under sub section (1) (a) - (e) of this section.

Content of establishment Order.

15. Every Order made under section 14 shall specify:-

- (a) the name or names of the local area or areas and the date or dates on which a Local Authority or Authorities shall be established;
- (b) the number of elected and appointed members;
- (c) define the area in which the Local Authority shall be established and over which it shall exercise its jurisdiction; and
- (d) Official seal of the Local Authority.

Procedures for Establishment of Local Authorities.

16.-(1) All Local Government Authorities shall be established in accordance with the procedures provided under this Act.

(2) Where it is intended to establish a Local Authority in respect of any area or areas, the Minister at least three months before making an establishment order under section 14 of this Act shall:-



- (a) by notice published in the Official Gazette, give notice of the intention indicating the general direction of the boundaries, and such other matters as he deems necessary; and
- (b) call upon all interested authorities or persons affected, to lodge to him in writing, any objection or other presentations in such a manner and within such a time as may be prescribed.

(3) If upon the expiration of the notice, no objection or other representations is received from any authority or person, the Minister shall proceed to make and publish in the Official Gazette the order under section 14 of this Act.

(4) Where any objection or other presentations are lodged in writing with the Minister pursuant to the notice given under subsection (2) of this section, the Minister shall cause to be delivered an acknowledgement to the authority or person lodging the objection or other presentations concerned, and shall take into account the objections or representations of Local Government Authority as prescribed in the Regulations made under this Act.

Certificate of establishment.

17.-(1) Without prejudice to the provision of section 8 of this Act, the Minister shall issue certificate of establishment to that Local Government Authority and be published to the Official Gazette.

(2) A certificate of establishment shall specify the followings :-

- (a) the name of the local authority being established;
- (b) the total number of residents;
- (c) the place where the head office of the Local Authority shall be situated; and
- (d) such other particulars as the Minister may, from time to time, determine.

PART IV COMPOSITION, FUNCTIONS AND POWERS OF LOCAL GOVERNMENT AUTHORITIES.

Establishment and Composition of City Council.

18.-(1) There is established a City Council where there are two or more Municipalities sharing boarder in the same Region.



(2) A City Council shall consist of the following members:-

- (a) a Mayor who shall be elected among the Councillors of that authority;
- (b) a Deputy Mayor who shall also be elected among the Councillors of the authority;
- (c) Mayors of Municipalities which form the City Council;
- (d) all Councillors of the Authority elected by the people from their wards; and
- (e) other Councillors appointed by the Minister, who shall be not more than fifty percent (50%) of the elected Councillors, at least forty percent (40%) of them shall be women.

(3) The Director of the Authority shall be Secretary of the Council who shall not be a member.

Functions of a
City Council.

19. Without prejudice to any other laws applicable to Zanzibar, City Council shall have the following functions:-

- (a) to develop, implement and monitor its strategic plans and budgets;
- (b) to formulate, co-ordinate and supervise the implementation of economic plans for the commercial, industrial and social development;
- (c) to raise revenue to finance its functions;
- (d) to supervise and coordinate the functions and roles of Municipality Authorities of the City Council;
- (e) to make by-laws under their mandate;
- (f) to monitor and evaluate all projects within its area;
- (g) to promote tourism business and investments; and
- (h) to carry out any other functions conferred to the Local Authority under this Act or any other laws.



Establishment and
Composition of
Municipal Council

20.-(1) There is hereby established a Municipal Council which shall be composed of the following members:-

- (a) a Mayor who shall be elected from among the Councillors of that authority;
- (b) a Deputy Mayor who shall also be elected from among the Councillors of that Authority;
- (c) all Councillors of the Authority elected by the people from their wards; and
- (d) other Councillors appointed by the Minister, who shall be not more than fifty percent (50%) of the elected Councillors, at least forty percent (40%) of them shall be women.

(2) The Director of the Municipality shall be Secretary of the Council, who shall not be a member of the Council.

Functions of the
Municipal
Council.

21. Without prejudice to any other laws applicable in Zanzibar, Municipal Council shall perform, in its area of jurisdiction the following functions:-

- (a) to develop, implement and monitor its strategic plans and budgets;
- (b) to formulate, co-ordinate and supervise the implementation of plans for the economic, commercial, industrial and social development;
- (c) to raise revenue to enable Local Authority to perform effectively its functions effectively;
- (d) to license, regulate and control business activities within its jurisdiction;
- (e) to make by-laws applicable throughout its area of jurisdiction;
- (f) to consider, regulate and co-ordinate development plans, projects and program of Wards within its area of jurisdiction;
- (g) to monitor and evaluate all projects within area;
- (h) to control the extraction of stone, sand, wood or such other natural resources as may be approved by the Minister responsible for natural resources; and



- (i) to carry out any other functions conferred to the Local Authority under this Act or any other laws.

Composition of
Town Council.

22.-(1) The Town Council shall consist of the following members:-

- (a) a Mayor who shall be elected from among the Councillors of that authority;
- (b) a Deputy Mayor who shall also be elected from among the Councillors of that authority;
- (c) all Councillors of the authority elected by the people from the wards;
- (d) other Councillors appointed by the Minister, who shall be not more than fifty percent (50%) of the elected Councillors, at least forty percent (40%) of them shall be women.

(2) The Director of the Town Authority who shall be Secretary to the Council, shall not be a member of the Council.

Functions of the
Town Council.

23.-(1) Without prejudice to any other laws applicable in Zanzibar, Town Council shall perform, in relation to its area of jurisdiction the following functions:-

- (a) to develop, implement and monitor its strategic plans and budgets;
- (b) to formulate, co-ordinate and supervise the implementation of plans for the economic, commercial, industrial and social development;
- (c) to raise revenue to enable local authority to perform its functions effectively;
- (d) to license, regulate and control business activities within its jurisdiction;
- (e) to make by-laws applicable throughout its area of jurisdiction;
- (f) to consider, regulate and co-ordinate development plans, projects and program of Wards within its area of jurisdiction;
- (g) to monitor and evaluate all projects within its area;



- (h) to control the extraction of stone, sand, wood or such other natural resources as may be approved by the Minister responsible for natural resources; and
- (i) to carry out any other functions conferred to the Local Authority under this Act or any other laws.

Composition of District Council.

24.-(1) The District Council shall be composed of the following members:-

- (a) a Chairperson who shall be elected from among the Councillors of that District Council;
- (b) a Vice-Chairperson who shall also be elected from among the Councillors of that District;
- (c) all Councillors of the District Council elected by the people from the respective wards; and
- (d) other Councillors appointed by the Minister, who shall be not more than fifty percent (50%) of the elected Councillors, at least forty percent (40%) of them shall be women.

(2) The Director of the District Council Authority who shall be Secretary of the Council, shall not be a member of the Council.

Functions of the District Council.

25. The District Council shall have the following functions:-

- (a) to formulate, co-ordinate and supervise the implementation of plans for the economic, commercial, industrial and social development;
- (b) to ensure the collection and proper utilization on the revenues of the Council; and
- (c) to make by-laws applicable throughout its area of jurisdiction.

General functions of Local Government Councils.

26.-(1) Without prejudice to the specific functions of each Local Government, generally Local Government Authorities shall perform the normal or devolved functions under sectoral laws, and guidelines in the area of their jurisdiction as follows:-



- (a) be responsible to initiate an appropriate working environment including office space, equipment and working tools necessary to deliver services to the people;
- (b) To make by-laws to perform the functions under their mandate;
- (c) Collection of revenue from the sources identified under section 70 of this Act;
- (d) keep clean all roads, streets, drainage systems, waste collecting area, markets and business centres, recreation areas, public toilet and other open or closed area used by general public and management of disposal sites and waste facilities;
- (e) require the owner of any land to remove any dilapidated fence or structure abetting upon any road, street or public place;
- (f) promote tourism industry and educate communities on investment opportunities available in their areas;
- (g) recommend to Regional Commissioner the names and codes numbers of buildings, streets, places and keep records thereof;
- (h) administer, establish and regulate public markets and markets dues;
- (i) provide support and facilitation to vulnerable groups, youth, women and disabled persons in securing loans, credits and availability of reliable markets;
- (j) keep records of commercial and private motor vehicles, fishing boats and any others vessels anchoring within water in their jurisdiction;
- (k) control pollution causing public or private nuisance;
- (l) supervise and ensure provision of preventive and curative services at primary and secondary line health centres and take necessary measures to combat epidemic disease;
- (m) control the extraction of stone, sand, wood or such other natural resources as may be approved by the Minister responsible for natural resources;



- (n) to implement education policy and directives and manage nursery, primary and secondary schools of Government and to supervise quality of private school;
- (o) manage and control festival, fairs and other social activities;
- (p) undertake work of forestation, terracing and tree planting alongside public roads, the cutting and removing unwanted tree growing alongside public roads;
- (q) supervise, maintain and improve open space, parks, gardens, public buildings, historical sites and cemetery;
- (r) manage, control and regulate the use of land as defined and allotted under the land use plan; and
- (s) Deal with crosscutting issues which includes, HIV/AIDS prevention and control, protection of the environment and issues of climate change, corruption practices, disaster management, population issues and gender mainstreaming.

(2) The Minister may by notice published in the Official Gazette, make Regulations for better carrying out of this section.

General Powers
of Local
Government
Authority.

27.--(1) The City Council, Municipality Council, Town Council and District Council shall have the following powers:-

- (a) to enter into contracts;
- (b) to impose fees and collect charges;
- (c) to make by-laws or regulations;
- (d) to order and inspect any building or business within the area of its jurisdiction; and
- (e) to grant injunction restraining any person or authority from any act which may affect public or Local Authority.

(2) Without prejudice to subsection (1) of this section, the Local Government Council shall perform any other power entitled to it by any other laws applicable in Zanzibar.



Invitation to the Council.	28. -(1) Local Government Authority may invite any person to attend the meeting of the Council when the needs arise.
Oath of the Councillors.	29. Councillor shall, before taking his seat, take and subscribe to the oath as prescribed in the Third Schedule at a public sitting held in the Council Chamber and if he fails to do so without reasonable excuse within a period of 4 weeks of his election or appointment, as the case may be, the seat of the Councillor shall become vacant.
The tenure of Mayor, Deputy Mayor, Chairperson and Vice Chairperson	30. (1) The Mayor and Chairperson shall serve the Office for the period of five years and may be re-elected. (2) During his term of office, the Mayor, Deputy Mayor, Chairperson and Vice Chairperson shall continue to be a member of the Council. (3) The Mayor and Deputy Mayor, Chairperson and Vice Chairperson shall, unless he resigns or becomes disqualified, continue in office until his successor is elected or resumes office.
Vacancy of the Office of Mayor.	31. -(1) The office of Mayor shall be vacant upon happening of any of the followings to the Mayor:- (a) expiration of his term of office; (b) acceptance of his or her written resignation by the Council; (c) impeachment in accordance with the provisions of this Act; (d) mental infirmity or physical incapacity based on an official report of the Medical Board of Doctors established under the Laws of Zanzibar and such report be approved by three quarters majority of all members of Council; or (e) death. (2) Where the post of the Mayor of City or Municipality is vacant, the Deputy Mayor of the City or Municipal shall act respectively pending the election of the new Mayor. (3) The vacant post of the Mayor shall be filled within sixty days from the date of the occurrence of the vacancy.
Functions and powers of the Mayor.	32. -(1) The Mayor, shall have the following functions and powers:- (a) be head of the City or Municipal Council;



- (b) be the Chairperson of the City or Municipal Council meeting;
- (c) be the representative of the City or Municipal in National and International meeting and Ceremonies;
- (d) to call, postpone and resolve the meetings;
- (e) be responsible for the supervision of all decisions made by the Council;
- (f) spokesperson of the City or Municipal Council; and
- (g) to perform all statutory duties and functions which he is required to do under this Act or any other law.

(2) Whenever the Office of Mayor is vacant or the Mayor is absent or is unable to perform the functions of his Office by reason of illness or any other cause, his functions shall be performed by Deputy Mayor.

Functions and powers of the Chairperson.

33.-(1) The Chairperson shall have the following functions and powers:-

- (a) be the head of the District council;
- (b) to call, postpone and resolve the meetings;
- (c) be responsible for the supervision of all decisions made by the Council;
- (d) be spokesperson of the Council;
- (e) to represent the Council in National level; and
- (f) to perform all statutory duties and functions which he is required to do under this Act or any other law.

(2) Whenever the Office of Chairperson is vacant or the Chairperson is absent or is unable to perform the functions of his Office by reason of illness or any other cause, his functions shall be performed by the Vice Chairperson.

Removal of Mayor or Chairperson.

34. The Council shall remove the Mayor or Chairperson if:-

- (a) he has been guilty of criminal offence which disqualify a public servant from his post according to Public Service Act.; or



- (b) suffers mental infirmity based on an official report of Medical Board of Doctors established under the Laws of Zanzibar, and such report be approved by three quarters majority of all members of the council; or
- (c) any other reason which would disqualify him to be a Councillor according to Zanzibar Electoral Commission Act.

Procedures for
removal of Mayor
or Chairperson.

35.- (1) Notwithstanding any provisions of this Act, the Council may pass a resolution for the removal of the Mayor or Chairperson from the office if such resolution is proposed and passed under the provisions of this Act or any other laws.

(2) Without prejudice to the provisions of sub section (1) of this section, no resolution for the removal of Mayor or Chairperson shall be proposed unless:-

- (a) six months has passed or elapsed since the election of the Mayor or Chairperson;
- (b) three months has passed or elapsed since the same resolution was proposed and rejected by the Council.

(3) A resolution for the removal of Mayor or Chairperson shall not be passed unless:-

- (a) notice in writing, signed by more than half of the members of the Council is given to the Director fourteen days before the date of being submitted to the Council;
- (b) the Director is satisfied that the notice for such resolution has fulfilled the conditions prescribed by this section, and that such notice has specified the reasons for such resolution and, the said notice has been submitted to the Council.

(4) Where the Director is satisfied with the condition provided under subsection (3) of this section, he shall submit the proposed resolution to the Council as soon as may be practicable and the Council shall discuss and decide on the motion for the said resolution in accordance with its standing orders, code of conduct or Regulations.

(5) When the Council is discussing the motion for the said resolution, the Deputy Mayor or Vice Chairperson as the case may be shall preside the meeting and the Mayor or Chairperson as the case may be shall have the right to defend his case before the Council.



(6) A resolution for the removal of Mayor or Chairperson shall be passed if it is supported by not less than two third of the members of the Council.

(7) As soon as may be practicable, and in any case, within seven days of the resolution for the removal being passed by the Council, the Deputy Mayor or Vice Chairperson as the case may be, shall submit the said resolution to the Minister and the Mayor or Chairperson shall be required to resign from office within seven days and if he fails to do so within that period he shall be deemed to have resigned, and the Council, within forty days, shall elect another member of the Council to be the Mayor or Chairperson.

Resignation from Membership.

36.-(1) A member of Local Authority may resign from membership by notice in writing signed by him and delivered to the Mayor or Chairperson of the Local Authority.

(2) A person shall cease to be a member of the Local Authority:-

- (a) on the date specified in the notice as the resignation date; or
- (b) where no date is specified, on receipt of the notice.

(3) A person who resigns from membership of a Local Authority under this section, also ceases on such resignation to be a member of any Committee of the Council.

Remunerations and allowances to Mayor.

37.-(1) The Council may authorise out of the revenues of the Council as allowance to the Mayor, such sum as it may consider appropriate to the office and approved by the Minister.

(2) The Mayor shall be paid a salary and other emoluments as fixed from time to time.

(3) The Mayor shall not be the Chief Executive of the Council but shall be the chief adviser to the council.

Councillors not full time employee.

38. The Deputy Mayor and other Councillors shall not be full time employees and shall be paid allowances and honorariums as may be fixed from time to time and approved by the Minister.

Appointment of the Director.

39.-(1) There shall be the Director in each City Council and Municipal Council who shall be appointed by the President, and Directors of Town and District Council shall be appointed by the Minister in accordance with the provisions made under Public Service Act.



(2) The Director shall be the Chief Executive and Accounting Officer of the Local Authority and shall be responsible for the day to day functions of that authority.

Qualifications of the Director.

40.-(1) A person shall be eligible to be appointed as Director of the Authority if he has the following qualifications:-

- (a) a Zanzibari;
- (b) a senior public officer at least a holder of first degree in the field of Public Administration, Law, Social Science, Planning or Civil Engineering, Economy or any other relevant qualification from the recognized University; and
- (c) has not been convicted by court of law for the offence of dishonesty.

(2) A person appointed as a Director shall be committed, dedicated and responsible to his function and duties and he shall also be responsible to the Council.

Roles and responsibilities of the Director.

41.-(1) The Director of the local authority shall have the following roles and responsibilities:-

- (a) be responsible for the implementation of all decisions made by the Council;
- (b) supervise and co-ordinate the activities of all officers and departments of the Council;
- (c) be custodian of all documents, information, assets and seal of the Council;
- (d) be responsible for the implementation of all by-laws of the council; and
- (e) perform all statutory duties and functions which he is required to do under this Act or any other laws.

Establishment and Composition of the Ward Council

42.-(1) There is hereby established the Council in every ward to be known as Ward Council.

(2) Every Ward Council shall consist of the following members:-

- (a) a chairperson who shall be a Councillor of that Ward;



- (b) Three members from each shehia within the ward who shall be elected by the Shehia consultative committee;
- (c) all shehas of respective ward who shall have no voting right;
- (d) not more than five extension Officers living in that ward as recommended by Ward Council;
- (e) not more than five respected persons from the Ward who shall be appointed by Ward Council;
- (f) two representatives from people with special needs of each shehia living in the Ward who shall be appointed by Ward Council and who shall have no voting right; and
- (g) three representatives from Non State Actor, two of them being women, who shall have no voting right; and

(3) A clerk of the Ward Council shall be secretary to the Council.

Functions of Ward Council.

43.-(1) Every Ward Council shall perform, in its area of jurisdiction the following functions:-

- (a) to implement policies, laws, regulations and directives as directed by the responsible District Council;
- (b) to sensitize communities for their development;
- (c) to implement, co-ordinate and monitor all Government development programs, within its jurisdiction;
- (d) to supervise social health;
- (e) to preserve and promote the Zanzibar culture;
- (f) to supervise security and safety issues; and
- (g) to carry out any other functions conferred to the authority under this Act or any other law.



(2) Without prejudice to the generality of the functions conferred or imposed under subsection (1) of this section, it shall be the function of every ward council, in its area of jurisdiction to:-

- (a) supervise and promote the cooperative society within the ward;
- (b) supervise the implementation of the development plan;
- (c) initiate and facilitate entrepreneurs, youth, women and disabled persons in securing loans, credits and availability of reliable markets;
- (d) promote library services within the area of its jurisdiction;
- (e) educate the community about laws and regulation of the Local Governments;
- (f) educate the community on the importance of using goods with high quality and standard;
- (g) sensitize community to participate in vocational activities;
- (h) supervise and implement policies, laws and regulations in relation to preservation of historical sites, environmental issues, drugs abuse, HIV/AIDS and disable;
- (i) sensitize the community on the importance of paying tax, fees and other charges for the ward development;
- (j) mainstream and integrate gender issues in the development projects;
- (k) make regulations and guidance for the effective implementation of their duties;
- (l) sensitize the people in the Community on voluntary development works project; and
- (m) perform any other duties in relation to the laws, regulations and directives of the respective authority.

Chairperson of the Ward Council. **44.** There shall be a chairperson of the Ward Council who shall be an elected councillor of the ward.



Clerk of the Ward Council. **45.** There shall be a Clerk of the Ward Council who shall be employed by the Local Authority to perform the day to day functions of the word, implement the decisions of the Ward Council and keep records of affairs of the Ward.

Employment and Qualifications of the Clerk. **46.** A person shall be eligible to be employed as Clerk of the Ward Council if he has the following qualifications:-

- (a) a Zanzibari;
- (b) at least a holder of certificate from recognized College;
- (c) not be convicted by court of law; and
- (d) Capable of handling disputes.

Establishment and Composition of Shehia Consultative Committee. **47.**-(1) There is hereby established in each Shehia a committee to be known as Shehia Consultative Committee.

(2) Every shehia Consultative Committee shall consist of the following members:-

- (a) a chairperson who shall be Sheha of that Shehia;
- (b) not more than five members from village or hamlet within that shehia;
- (c) two eminent persons from the shehia who shall be appointed by Shehia Consultative Committee ;
- (d) not more than three extension officers living in that shehia as recommended by shehia Consultative Committee ;
- (e) Three representatives from Non State Actor, two of them being women who have no voting right; and
- (f) A Clerk of Ward Council shall also be the clerk of the shehia consultative committee.

(3) appointment of members shall consider gender proportion.

Functions and Powers of Shehia Consultative Committee. **48.** Shehia Consultative Committee shall perform the following functions and powers:-



- (a) supervise and maintain the cooperative society within the Shehia;
- (b) supervise the implementation of the employment plan within shehia;
- (c) facilitate entrepreneurs, youth, elders, women and disabled persons in securing loans, credits and provision of education on availability of reliable markets;
- (d) deliver library services within the area of its jurisdiction;
- (e) educate the community about laws and regulations of the Local Government;
- (f) educate the community on the importance of using goods with high quality and standard;
- (g) sensitize community to participate in handicrafts activities;
- (h) supervise and implement policies, laws and regulations in relation to preservation of historical sites, environmental issues, drugs abuse, HIV/AIDS and people with disability;
- (i) sensitize the community on the importance of paying tax, fees and other charges for the shehia development;
- (j) make regulations; and
- (k) perform any other duties in relation to the laws, regulations and directives of the District Council.

Qualifications of members of Shehia Consultative Committee.

49. A person shall be eligible to be appointed a member of Shehia Consultative Committee if he is:-

- (a) a Zanzibari of 21 years old or above;
- (b) a resident of that Shehia;
- (c) a man of wisdom in the Community.

Functions of Chairperson of the Shehia Consultative Committee.

50.-(1) There shall be a chairperson of the Shehia Consultative Committee who shall be a Sheha of the respective Shehia.

(2) The chairperson shall have the following functions:



- (a) to presiding over the Committee meetings;
- (b) by consultation with members may call, postpone and resolve the meetings;
- (c) be responsible for the supervision of all decisions made by the Committee;
- (d) spokesperson of the Committee; and
- (e) to perform all statutory duties and functions which he is required to do under this Act or any other law.

Tenure of members of the Shehia Consultative Committee.

51. Every member of Shehia Consultative Committee shall hold office for five years unless he sooner ceases to be a member by death, resignation or removed.

PART V COMMITTEES AND DEPARTMENTS OF THE LOCAL GOVERNMENT AUTHORITIES

Establishment of Local Authority Development Committee.

52.-(1) There is hereby established for each Local Government Authority a Committee which shall be known as Local Authority Development Committee.

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

- (a) the Chairperson of the Committee who shall be a Mayor or Chairperson of the local government authority;
- (b) The Director of the Local Government Authority shall be Secretary to the Committee;
- (c) the chairpersons of the standing committees of Local Government Authority;
- (d) the planning officer, economist, legal officer, accountant, and internal auditor of the Local Authority;
- (e) two members appointed from apex civil society organisation; and
- (f) any other officers of Local Government Authority appointed by the Director if deemed necessary.



(3) The Local Government Development Committee shall hold meetings twice a year and may convene a special meeting when it deemes necessary.

Functions of
Local Authority
Development
Committee.

53. The functions of Local Authority Development Committee shall be:-

- (a) to implement Local Authority policies and to identify the challenges and advise the District administration on the best way to solve those problems and promote development of their respective areas;
- (b) to monitor and assist the formulation of policies for Local Government Authorities in their areas for sustainable development;
- (c) to mobilise people to participate, contribute and assist the uses of resources, protection of environment for sustainable development
- (d) to ensure that implementation strategies correspond to relevant policies and create awareness among the people in their areas; and
- (e) to ensure and establish cooperation and co-ordination among government agencies, Local Government Authorities, and non-government organisation for creating an enabling environment and sustainable development.

Standing
Committees of
the City,
Municipal, Town
and District
Council.

54.-(1) For the efficient discharge of its duties, every Local Government Authority shall establish standing committees in accordance with the procedures set in the Regulations made under this Act.

(2) Without prejudice to Subsection (1) of this Section, the Council may form special committees as it may deem necessary or expedient to perform special task for specific period.

Functions and
powers of
Standing
Committees.

55.-(1) Every Committee shall be responsible for the implementation of the policies and decisions made by the Council and shall have the following functions:-

- (a) to identify, analyse and prioritise the needs of the Council;
- (b) to scrutinize and recommend departmental plans proposal relating to that Committee;
- (c) to monitor and supervise the implementation of policy and functions of the Department relating thereto and to advise that department accordingly;



- (d) to receive and solve problems or grievances forwarded to it from the Council;
- (e) to initiate development planning within their locality;
- (f) to submit report to the Council;
- (g) to Prepare the Council Plan and Budget for approval by the Council;
- (h) Monitor and supervise the implementation of the Council Plan and Budget;
- (i) Perform any other functions and duties as may be assigned by the Council or any other law; and
- (j) to do any other duty for the better administration of the Council, as may be authorised by the Council.

(2) Notwithstanding the provisions of section 54(1) of this Act, standing Committee may supervise more than one Department in performing of their functions.

Local Government Development Plans.

56. The Local Government development plans shall have direct link with the National Development Plans and Policies.

Departments of Local Government Authority.

57.-(1) For the efficient discharge of its duties, every Local Government Authority shall establish not more than four departments which are necessary for discharging of its functions.

(2) Every Department of the Local Government Authority shall be led by the Head of Department under the supervision of the Director.

Functions of Departments.

58.-(1) Every Department shall be responsible for the implementation of the policies and decisions made by the Council and without prejudice to the generality of the foregoing shall:-

- (a) implement the plans of Council, monitor and evaluate development plans of that department;



- (b) provide better services to the people within the Local Government Authority;
- (c) prepare the annual budget of that department and submit it to the relevant Committee;
- (d) To prepare report to Committee; and
- (e) to do any other duty conferred upon it by the Council.

(2) Without prejudice to the provisions under sub section (1) of this section, every Department may establish special unit(s) within the Department for better performance of its day to day functions.

Duties of
the Head
of Department.

59.-(1) Head of the Department shall exercise the following duties:-

- (a) to prepare plans and action plan for the implementation of the plans of the Council;
- (b) to coordinate, supervise and implement the plans of the Council;
- (c) to advise the Council and Committee on matters related thereto;
- (d) to supervise the activities of the staff in the department;
- (e) to encourage and provide advice technical advice in the department;
- (f) to monitor and evaluate the development plan of the Council;
- (g) to supervise the administration of the department and report to the appropriate authority any misconduct and maladministration for the disciplinary action; and
- (h) to perform any other duty assigned by the Authority.

Meetings and
proceedings of the
Local Government
Authorities.

60. Meetings and proceedings of the local government authorities shall be made as set out under Forth Schedule made in this Act.



PART VI
STAFF OF LOCAL GOVERNMENT AUTHORITY

The Staff of
Local
Government
Authority.

61.-(1) There shall be Local Government Staff who shall be employed in accordance with the Public Service Act.

(2) Subject to the provisions of the Public Service Act, the central or Local Government may transfer a staff on secondment or permanently to carry out the functions under this Act or any other law applicable in Zanzibar.

(3) The staff who has been transferred to the Local Government Authority, shall be directed, supervised and managed by the relevant Local Government Authority.

(4) The salary and other benefits of the Staff shall be paid in accordance with Public Service Act, Regulations, circulars and guidelines as provided by the Ministry responsible for Public Service.

Part time Staff.

62. Subject to the provisions of the Public Service Act, the Director may, after approval of the Council, appoint part time Staff if need arises and pay such salaries and allowances as it may determine from time to time by the Authority.

Powers and
functions of
Authorized
Officers.

63.-(1) An Authorized Officer of each Local Government Authority shall have the following powers:-

- (a) to enter, at reasonable times, any place where a building is being constructed or repaired, to ascertain whether the statutory requirement for such construction and land use permit has been obtained and, if so, whether the conditions of such permit are being respected;
- (b) to issue and serve summons and orders in accordance to the laws and regulations of the Authority;
- (c) to raise revenues of the Authority;
- (d) to seize any goods in respect of which he has reasonable ground to believe that the goods are hazardous or mislay or harmful to the public;



- (e) to seize uncontrolled animal or any article which intend to contravene with this Act and be used as an evidence in the Local Government Authority or an exhibit in the Court of law;
- (f) to require the production for inspection, examination or verification of all records or documents that are or may be deemed relevant to the Authority;
- (g) to require the owner of the premises or place and any other responsible person on the premises or at the place to give the Authorised Officer all assistance and to make all effort to answer all relevant question relating to the administration of this Act;
- (h) to take action to any person who advertise, promote or cause to be advertised or promoted any goods or services marketed, sold, promoted or supplied within the Authority contrary to this Act;
- (i) to take action against any person who remove, replace, delete or cause to be removed, replaced, deleted or altered any information, sign, polls and any valuable material controlled under this Act; and
- (j) to do any other act for the benefit and development of the Local Government Authority as prescribed under this Act and Regulations.

(2) Subject to subsection (1) of this section, any person who contravenes with the provisions of this section, upon conviction shall be liable to fine not less than one hundred thousand shilling or imprisonment for a term not less than one month or both such fine and imprisonment.

Accountability of Officers.

64.-(1) Every officer employed by the Authority shall at such times during the tenure of his office, or within three months of his ceasing to hold it, and in such manner as the Council directs, make out and deliver to the Council or as it directs, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

(2) Every such officer shall pay all money due from him to the treasurer of the Authority or otherwise as the Authority may direct.

(3) If any such officer refuses or fails to make any payment which he is required by this section, or to give satisfaction respecting it to the Authority, the Authority shall take any legal action against such officer before any Court of competent jurisdiction.



PART VII PLANNING AND FINANCIAL PROVISIONS

- Integrated Participatory Plannings.** **65.**-(1) The preparation of the Local Government Authority plans shall be based on an integrated participatory approach, which will encompass the departmental plans of the Local Authority.
- (2) The Council plans shall be made up annually, bi-annually, medium and in long term plans.
- Planning, Finance, Economic and Development Unit.** **66.**-(1) Each Local Government Authority shall establish a Planning, Finance and Economic and Development Units which shall be charged with the preparation of all the service delivery, economic plan and development of Local Government Authority.
- (2) The Unit shall within its mandate plan for the provision of basic or primary services, in conformity with the National and sectoral plans and policies.
- (3) The Authority may establish any other unit and its functions as it deems necessary.
- Functions and Duties of the Planning, Finance, Economic and Development Unit.** **67.**-(1) The functions and duties of the Planning, Finance, Economic and Development Unit shall be as prescribed in Regulations made under this Act:-
- (a) to identify, analyze and prioritize the needs of the Council;
 - (b) prepare the Council Plan and Budget for approval by the Council;
 - (c) monitor and supervise the implementation of the Council Plan and Budget;
 - (d) co-ordinate and monitor the activities of all development partners in the implementation of the Council projects; and
 - (e) perform any other functions and duties as may be assigned to it by the Council.
- Implementation and Execution of the Council Plan.** **68.**-(1) Upon approval of the plan, its management, implementation and execution shall be the responsibility of the Director of the Council.
- (2) The Director shall periodically submit implementation reports to Council and Regional Secretariat for the purposes of accountability and the Regional Secretariat shall report the same to the Ministry and sectoral Ministry.



Sources of Local Government Authority Finance.

69.-(1) The Local Government Authority shall be funded by a combination of locally generated revenues, government grants, grants and donations from organizations and individuals, community contributions and loans in accordance with its credit worthiness or any other sources authorized by Ministry.

(2) Each Council shall raise funds from its sources to meet its expenditures.

Local Government Sources of Revenue.

70. Subject to the approval of Minister responsible for finance, the Local Government Authority may generate Revenue from the following sources:-

(a) Taxes:-

(i) Council property tax; and

(ii) any other taxes as may be authorized by law, rules and regulations.

(b) Local Rates:-

(i) user service charges;

(ii) license fee under respective mandate;

(iii) administrative fines;

(iv) permits;

(v) applicable court fees and fines;

(vi) contract fees;

(vii) auction fees; and

(viii) any other fees and charges as may be authorized by any other law, rules and regulations.

(c) Local Earnings from the Council investments and projects.

Community Contributions.

71. Each Authority may mobilize resources from the community in the following forms:-

(a) labour contribution;

(b) monetary contribution; and

(c) Contribution in-kind.

Grant.

72.-(1) The Local Government Authority shall mobilize funds to meet its expenditures through accessing grants from the government, donors and donor agencies in accordance with Zanzibar Public Finance Act No. 12 of 2005.



(2) The Local Government Authority may receive grant from:-

- (a) The Revolutionary Government of Zanzibar in the form of:-
- (i) conditional grants;
 - (ii) block grants;
 - (iii) equalization grants; and
 - (iv) State support grants.
- (b) donor grants which may be:-
- (i) direct financial assistance to the Local Government Authority concerned;
 - (ii) indirect financial assistance to Local Government Authority concerned, channelled through donor agencies, international and national non- governmental and community based organization, operating in the particular Local Authority area; or
 - (iii) technical assistance to the Local Authority.

(3) Any grant allocated under sub-section (2) of this section, shall be disbursed through the respective Accounting Officer of the Regional Secretariat directly into the bank account of each Local Government Authority, through which expenditure shall be regulated by the respective Local Government Authority.

(4) The direct and indirect assistances provided to the Local Government Authorities shall be included as the grant revenue components of the Local Authority Development Plans and programs designed for implementation.

Loans.

73.-(1) Subject to the provisions of the Laws governing Loans and Guarantee, the Local Government Authority, as corporate bodies, may raise loans from time to time to finance its budgeted activities based on their credit worthiness.

(2) Each Authority shall encourage and promote the establishment of micro-finance institutions from which it may access credit facilities for its projects.

Establishment of the Local Government Development Fund.

74.-(1) There is established a Local Government Development Fund, where all donations and contributions to the Local Government Authority to meet the recovery and development expenditures of the Local Authority shall be paid in.



(2) The main sources of the Local Government Development Fund shall be:-

- (a) transfers of money from the Revolutionary Government of Zanzibar for recovery and community development projects at the Local Government level;
- (b) special funds allocated by the Revolutionary Government of Zanzibar and the supplementary funds to offset Local Government Authority development budget deficits;
- (c) national donations and contributions earmarked to fund specified socio-economic and other projects at the Local Government level; and
- d) international donations and contributions earmarked to support Local Government development programs.

(3) The Ministry responsible for Finance of the Revolutionary Government of Zanzibar shall make the necessary rules and regulations to:-

- (a) guide the process of resource mobilization, management, monitoring and evaluation of the Fund activities; and
- (b) establish the financial and administrative mechanisms through which the Local Government Authority and the civil society organizations of the locality concerned, may access funding from the Local Government Fund.

(4) The Ministry responsible for Finance in collaboration with Planning Commission shall formulate, the necessary rules and regulations to guide the adoption of relevant organizational policy directives for the Planning, Finance, Economic Development Committee in order to:-

- (a) focus on the recovery and community development projects as the primary object of funding;
- (b) develop the assessment and selection criteria for the determination of viable projects submitted by the regional secretariat applying to access funding; and



- (c) advise the Planning, Finance, Economic Development Committee on the regulatory mechanisms and codes of conduct required for application in the management of the Project funds.

The Financial Year and Budget of the Authority.

75.-(1) The financial year of the Local Governments Authority shall be similar to the Central Government financial year.

(2) The Director shall prepare and present Budget proposal of revenue and expenditure to the Council for approval at least four months before commencement of the financial year and the Council shall approve the proposed budget within 15 days from the date of submission.

(3) The Director shall submit the approved budget to the Regional Secretariat for comment and forwarding to the Minister within fifteen days after receiving the same from the Director.

(4) The Minister may endorse or request to make modification as he deems fit.

(5) The expenditure from the detailed budget estimates specified in the approved Annual Budget, shall not exceed the endorsed budget save by a Supplementary Budget.

(6) Any surplus funds over revenue estimates and the reserve fund shall not be spent save by a Supplementary Appropriation Act.

(7) After the passing of the budget, no funds shall be transferred from one expenditure line to another, nor shall any money be spent on an item not provided for in the budget without the approval of the Council and consent of the Minister through the replica channel as per annual budget endorsement procedures.

Execution of the Budget of the Council.

76.-(1) Upon approval, the execution of the budget shall be the responsibility of the Director of the Council to supervise the Planning, Finance, and Economic Development Units under the supervision of Regional Secretariat.

(2) Throughout the budget cycle and each of the stages of the cycle, the Administrative Secretary shall report to the Council, for verification and accountability.

(3) The Council shall maintain its books of accounts in order to record:-

- (a) all transactions of funds received and spent;
- (b) all income earned or accrued but not received; and



(c) all expenditures committed but not incurred.

(4) The books of accounts of the Council shall be kept and maintained according to sound accounting principles and standards.

(5) The Council shall keep and maintain proper records of its movable and immovable assets and the discharged and un-discharged liabilities.

(6) Before the expiry of the financial year, Finance Committee shall prepare and submit to the Council and copy to Minister, financial report on the budget implementation during the year.

(7) The Planning, Finance, Economic and Development Committee may submit supplementary budget to the Council during the financial year.

(8) Whenever a Council fails to pay its loans, the Minister of Finance, may give directives to the Council to remedy the situation.

Final Accounts
and Audit.

77.-(1) At the end of each financial year, the Local Government shall prepare final accounts in accordance with the requirements of Public Finance Act and submit to the Controller and Auditor General within the allowable period.

(2) Accounts of the Local Government Councils shall be audited annually by the Controller and Auditor General of Zanzibar or any other firm approved by Controller and Auditor General.

(3) The Director shall cause to be presented to the Council, the Regional Secretariat and the Minister within six months following the end of the financial year, the audited financial report of all Council's revenue and expenditure for consideration.

Audit of the Local
Government
Authority
Accounts.

78. Accounts of the Local Government Councils shall be audited annually by the Controller and Auditor General of Zanzibar or any other firm approved by Controller and Auditor General.

Provisional
Budget.

79. In the event of delay in passing of the Budget by the beginning of the Financial year:-

(a) expenditure shall continue, pending adoption of the general budget in accordance with the estimates approved for the previous year, as if the same has been appropriated for the new financial year;



- (b) the levying of any new tax, rates, fees and charges, or the amendment of the same, shall not be effected except with the approval of the Minister; and
- (c) Council debts and the execution of court orders, fines or awards shall continue to be paid out of the Fund.

Supplementary
Budget.

80. Whenever new circumstances arise, or a matter of public concern proves not to have been satisfactorily addressed to the Planning, Finance, Economic Development Committee, the Director shall submit a supplementary budget or an allocation of funds to the Council for approval.

PART VIII OFFENCES AND LEGAL PROCEEDINGS PROVISIONS

Legal
proceedings.

81.-(1) Subject to the approval made by Director of Public Prosecutions or Attorney General, the authorized legal officer for the prosecutions of legal proceeding or civil suit as the case may be, either generally or in respect of any particular matter may, institute or defend on his behalf proceedings before the Court of law.

(2) An authorized legal officer may institute any breach of provisions, by laws or regulations made under this Act and any other laws where the breach is committed within the administrative area of the Local Authority.

Offences and
penalty.

82.-(1) Any person who for the purposes of this Act:-

- (a) without lawful excuse or justification fails to comply with an order made under this Act;
- (b) furnishes any information or produces any document which is false or misleading in material in particulars;
- (c) obstruct any officer in the performance of his functions under this Act; or
- (d) otherwise contravenes the provisions of this Act;

is guilty of an offence and shall be liable on conviction to a fine not less than one million shillings or to imprisonment for a term of five years or both such fine and imprisonment.

(2) Any person who engages in business while the registration, license or permit has been suspended or revoked under this Act, commits an offence and upon conviction, is liable to a fine not less than one hundred thousand shilling or to



imprisonment for a term not less than two months or to both such fine and imprisonment.

(3) Any person who fails to register his storage facility for business within the jurisdiction of the Local Government Authority, commits an offence and upon conviction, shall be liable to a fine not less than one hundred thousand shilling or imprisonment for a term not less than two weeks

(4) Any person who issues any business or trade license or permit within the local government authority in contravention of the provision of this Act and contribute to the loss of the local government revenue, commits an offence and shall be punished in accordance with Public Finance Laws.

(5) Any person who impersonate an authorised Staff, commit an offence and upon conviction, shall be liable to a fine not less than five hundred thousand shillings or to imprisonment for a term not less than one year.

Nuisance.

83.-(1) Without prejudice to the provisions of other Laws of Zanzibar, Where a person is likely to cause nuisance by making damage to the environment, amenity, public health or the economy, an Authorized Officer of the Local Government Authority may serve notice in the prescribed form requiring that person to abate the nuisance within the time specified in the notice.

(2) A notice served under subsection (1) of this section shall specify the nuisance and the steps required to be taken to abate the nuisance.

(3) Where a notice issued under this section is not complied with, a person shall be guilty of an offence and upon conviction, be liable to a fine not less than five hundred thousand Shillings or to a term of imprisonment not less than two months or to both imprisonment and fine.

Un authorized use of land.

84. Subject to any other laws applying herein, any person who fails to use and develop land within Local Government Authority for a purpose requested in accordance with approved development plan, land use plan, master plan, settlement structure plan or programme, the Authority shall order such person to correct, demolish or obstruct the said building or land.

Provided that, if such person fails to comply with the provisions of this Act, by laws and regulations made under this Act, the person upon conviction, shall be liable to a fine not less than two hundred thousand Shillings or to imprisonment for a term not less than six months or to both the fine and the imprisonment.



General penalty. **85.** Any person who is guilty of any offence against the provisions of this Act and if penalty is not prescribed therein, shall be liable to a fine not less than one hundred thousand shillings or imprisonment for a term not less than one month or both fine and imprisonment.

PART IX MISCELLANEOUS PROVISIONS

Public meeting. **86.**-(1) The Mayor or Chairperson may, from time to time, summon at such place and time as he may determine, public meetings of the inhabitants of the area of jurisdiction of the Local Authority for the discussion of any Local Government matters affecting the inhabitants which he considers to be of public importance.

(2) Nothing in this section shall be construed as derogating from the provisions of any other written law in respect of holding a public meeting.

Provided that no such meeting shall be summoned for the purpose of promoting, opposing or discussing the election of any person as a member of that council.

Limitation of liability. **87.** Notwithstanding the provisions of any other law, action or other proceedings shall not lie or be instituted against any Officer of the Authority for, or in respect of any act or things done or omitted to be done in a good faith in the exercise or purported exercise of his functions and power conferred by or under this Act.

Power to dissolve Council prematurely. **88.**-(1) Where two thirds of the councillors have made a petition to the Minister with the reasons to dissolve the Council pre-matured, the Minister shall within fourteen days from the date of receiving such petition do the followings:-

- (a) inquire whether the reasons stated in the petition are sufficient to dissolve the Council and if he is satisfied, he shall dissolve;
 - (b) where insufficient reasons are found to dissolve the Council, the Minister shall reject the petition.
- (2) when the Minister dissolve the Council under section 88 (1) (a) of this Act, he shall inform the Zanzibar Electoral Commission for such order.

Auxiliary police within the Local Authority. **89.**-(1) Where need arises, the Local Authority after consultation with Police may establish auxiliary police who shall work within the area.

(2) The functions, services and benefits of the auxiliary Police shall be prescribed in the Regulations made under this Act.



Correspondence between Government and Council.

90.-(1) All official correspondence to the Local Authority shall be addressed to the Director of the respective Authority.

(2) The correspondence between Local Authorities and the Central Government shall be through Regional Secretariat.

(3) Correspondence on matters of policy between Local Government Authorities and Government shall be in the manner as prescribed in the Regulations made under this Act.

Donation to Local Authority.

91.-(1) Any Local Authority may accept, hold and administer any lawful donation in kind, gift or property, whether movable or immovable, for the benefit of the inhabitants of the area or of some part of it, and may execute any works, including works of maintenance or improvement, incidental to or consequential to the exercise of the powers conferred by this section.

(2) Any Local Government Authority shall not accept, without the notification to the Council and such donation in kind or cash of a value of more than ten million shillings or such other amount shall be recorded in the book account as may be prescribed.

(3) Local Government Authority may receive donation from friends in and out of the country provided that such donation should be reported to the Minister responsible for finance.

(4) Where the purposes of the donation or gift are purposes for which Local Authority is empowered to expend money raised from a rate, the Local Government Authority may, subject to any condition or restriction attaching to the exercise of that power, defray expenditure incurred in the exercise of the powers conferred by subsection (1) of this section out of the General Council Fund.

Service of notice by Authority.

92. Subject to the provisions of this Act, every by-law, order, notice or other document requiring authentication by a relevant Authority shall be deemed to be sufficiently authenticated if signed by Director or any officer of the Authority duly authorized in that behalf by any resolution of the Authority.

Service of Document or notice.

93. A document may be served on the authority by delivering it to the office of the Authority, or by sending it by registered post or by any electronic means.

Regulations.

94.-(1) The Minister may generally make Regulations for the better carrying out the purposes of this Act.



(2) Regulations made under subsection (1) of this section shall be published in the Official Government Gazette.

Repeal and Savings.

95.-(1) The following laws are hereby repealed:-

- (a) the Zanzibar Municipal Council Act No. 3 of 1995;
- (b) the District and Town Council Act No. 4 of 1995; and
- (c) the Local Government (District and Urban Authorities) Act, No. 3 of 1986.

(2) Any Local Government Authority which was established or deemed to have been established under the repealed Acts and which was in existence immediately before the date of commencement of this Act, shall continue in existence and shall be deemed for the purposes of this Act to have been established or declared under the appropriate provisions of this Act.

(3) Any member of a Local Government Authority, Mayor, Deputy Mayor, Chairperson or Vice-chairperson elected under the repealed Acts, shall continue to hold office until the next general election of Local Authorities under this Act.

(4) All licences, permits, authorizations and other instruments or documents granted or given by the Local Authorities shall, so long as they subsist on the date of commencement of this Act, continue in full force and effect until they expire, cease to have effect or are replaced by new ones issued or granted under this Act.

(5) The persons who, immediately before the date of commencement of this Act, were members of a Council or Committee, shall continue in office and shall be considered as if though they had been elected in accordance with this Act for the remainder of their terms of office unless sooner terminated in terms of this Act.

(6) Any by-laws which were made or continued in force under the repealed Acts and which were in force immediately before the date of commencement of this Act shall continue to be in force as they were, and shall be deemed to be, by laws, made under the appropriate provisions of this Act and may be amended or repealed as though they had been so made.

(7) All properties and assets which were vested in the Local Government Authorities immediately before the commencement of this Act, shall be vested to the Authority subject to all interests, liabilities, charges, obligations and trusts affecting that properties.



(8) Any pending court proceedings, court actions, judgments or court orders which were enforceable by or against any Authorities and Councils before the coming into force of this Act connected with the assets vested in the Councillor, the functions and powers of the Council, shall be enforced by or against that Council concerned as it would have been enforced by or against the Authorities and Councils before the commencement of this Act.



SECOND SCHEDULE
[Made under Section 14]

**CRITERIA FOR DETERMINING LEVELS OF LOCAL
GOVERNMENT COUNCILS**

(1) The authority of the Local Governments shall be determined by the following criteria:-

(a) City Council

- (i) Has two or more Municipality Councils;
- (ii) With international airport and/or harbour;
- (iii) With good infrastructures of roads, water, power, health, markets, sewerage and communication facilities;
- (iv) Existence of recreational areas;
- (v) With one or more historical sites or potentiality within its locality;
and
- (vi) With high economic contribution to the government budget.

(b) Municipal Council

- (i) With population size ranging from one hundred and fifty thousand (150,000 to 300,000) inhabitants;
- (ii) With at least half of its population are living in area with Good infrastructures of roads, water, power, health, markets, sewerage and communication facilities;
- (iii) With recreational areas; and
- (iv) With Central Government administrative Centers or Offices

(c) District Council

- (i) With District administrative area;
- (ii) Presence of scattered populations within the District;



- (iii) With Fair infrastructures of roads, water, power, health, markets, sewerage and communication facilities; and
- (iv) Existence of Local Authorities.

(d) Town Council

- (i) Must have urban characteristics;
- (ii) With population size ranging from seventy five thousand to one hundred and forty nine thousand (75,000 to 149,000) inhabitants;
- (iii) With Fair infrastructures of roads, water, power, health, markets, sewerage and communication facilities;
- (iv) With recreational areas;
- (v) The existence of government administrative centers or offices; and
- (vi) Historical potentiality of the town.

(2) The Local Authority shall be determined by the following criteria:-

(a) Ward Council

- (i) The existence of Councillor within the area;
- (ii) The existence of at least two shehia;
- (iii) With population of not less than nine thousand (9,000) inhabitants; and
- (iv) With at least one primary school and/or dispensary.

(b) Shehia Council

- (i) Shall be within the administrative boundaries of Shehia;
- (ii) Shall have not less the two villages in Rural areas and not less than two Streets in urban area; and
- (iii) With common facilities.



FIRST SCHEDULE
[Made under Section 12(2)]

DEVOLVED ROLES AND FUNCTIONS

(1) Finance and Economic Development

- (a) Preparing the economic and social plans of the Council;
- (b) Preparing, keeping and organizing statistical records of all the economic, development and service activities of the Council;
- (c) Promoting and encouraging investment, and facilitating the business of investors, in accordance with the laws in force;
- (d) Encouraging the self-help, charitable projects, the business of charitable and voluntary societies;
- (e) Organizing markets and places of trading;
- (f) Spreading awareness among citizens of the approved economic and social programmes;
- (g) Organizing the trade activities, by granting the necessary licences for all types of trades in the Council;
- (h) Conducting such studies and researches which may target development of the Council and increases its resources;
- (i) Preparing the estimates of the revenues and expenditure for the Council annual budget;
- (j) Controlling the public funds, closing the Council accounts at specified dates and presenting the final statement of the accounts to the Council;
- (k) Advertising and approving tenders of the Council;
- (l) Assessing and re-assessing rates; and
- (m) Caring for and organizing exhibitions in the Council.



THIRD SCHEDULE
[Made under Section 29]

OATH OR SOLEMN AFFIRMATION

I,.....
having been elected/appointed as Councillor, do hereby swear/solemnly affirm that
I take that office upon myself, and will duly and faithfully fulfil my duties according
to the best of my judgment and ability.

Public sitting held onin the Council
Chamber of the Municipal City Council/Municipal Town Council/Town Council/ of
.....



(2) Legislation and Legal Affairs

- (a) Preparing and promulgating by-laws and its regulations and all the legislative measures necessary for execution;
- (b) Making the internal regulations organizing the business of the Council, the committees and specialized departments;
- (c) Establishment of rate, public health and public order courts; and
- (d) Following up the executory procedure of the legal obligations, relating to the Council affairs, such as agreements and contracts.

(3) Public Works

- (a) Establishment and maintenance of water drainages in the Council;
- (b) Establishing tree planting project in recreational parks and public squares and manage establishment and licensing of guest houses and restaurants;
- (c) Lighting of public roads, squares and public spaces;
- (d) Encouraging people's contribution to the establishment of paved roads;
- (e) Maintaining feeder roads of the Council;
- (f) Specifying the places of public ferry and harbours, in co-ordination with the competent bodies, and organizing the public parks as centres for public means of transport;
- (g) Organization of urban buildings, the issuance of building permits, supervision of buildings and the issuance of completion certificates and combating hazard buildings; and
- (h) Recommending land plans for housing, agricultural, industrial and investment purposes, in accordance with the Council master plan.

(4) Health

- (a) Laying down plans and preparing and executing projects for the promotion of environmental health;



- (b) Combating breeding of mosquitoes and flies and otherwise of pests and harmful insects;
 - (c) Undertake public cleaning and disposal of refuse, human and animal's solid wastes and remains of agriculture and industry, for prevention of pollution of the environment;
 - (d) Establishing public toilets, and laying down the rules for using and monitoring the same, and standards for private toilets;
 - (e) Health supervision of houses and industrial facilities, and monitoring the execution thereof, in accordance with the health standards of buildings;
 - (f) Establishment and management of slaughter houses of local slaughtered animals;
 - (g) Fencing, lighting and organizing cemeteries;
 - (h) Supervision of food and drinking places and regulate such places by issuing licences;
 - (i) Disseminating health awareness among the citizens by all means including HIV/AIDS and non communicable diseases;
 - (j) Nominating midwives for training and follow-up of the performance;
 - (k) Enforcing the combat of endemic and epidemic diseases, in accordance with the declared plans;
 - (l) Establishing centres of primary health care units, and rehabilitation centres;
 - (m) Report and contain outbreak of epidemic diseases and disasters and participate in its management; and
 - (n) Regulating and guiding the civil society organizations providing health services.
- (5) Education**
- (a) Establishment and management of the basic schools;



- (b) Establishment and management of adult education classes to eradicate illiteracy;
- (c) Organizing kindergarten and nursery schools;
- (d) Recommend the establishment of secondary schools;
- (e) Co-ordinating between schools parents committee in the Council;
- (f) Promote and insure implementation of education policies at Local Government level;
- (g) Document and recommend to relevant authorities issues that affect education specially in the areas of child rights and girl education; and
- (h) Carry out any other relevant matters assigned to it by the Central government.

(6) Agriculture, Natural Resources and Animal Wealth

- (a) Participating in the programmes of conservation and protection of natural resources, as a security of the most ideal and sustainable use;
- (b) Caring for forests and encouraging planting of trees;
- (c) Establishing fire brakes;
- (d) Contributing to the control of harmful agricultural pests;
- (e) Specifying, care for and enhancement of places of pasture and watering points and stations, in coordination with the relevant authorities;
- (f) Encouraging agricultural co-operatives;
- (g) Promoting agricultural activities of the council in cooperation with the concerned authorities and disseminating agricultural information to farmers in the Council;
- (h) Production of correct agricultural statistics;



- (i) Facilitating irrigation facilities, and drainage and storage of water necessary for irrigation of agricultural lands, in coordination with the relevant authorities;
- (j) Establishment and Management of fishing areas within their territory;
- (k) Promoting the establishment of cattle, poultry and fish farming projects; and
- (l) promoting and improving animal breeds,

(7) Social and Cultural Affairs

- (a) Striving to lessen the stamp of poverty, caring for the old, orphans, widows, and the disabled, and striving to provide means of honourable livelihood for them, in co-ordination with concerned bodies having connection;
- (b) Celebrating the religious and national occasions;
- (c) Promoting arts and cultures, for raising the standard of citizens and polishing public conduct;
- (d) Promoting social and cultural change, and applying the methods of social and cultural change, for executing the projects and programmes of sustainable development;
- (e) Promoting self-help projects and monitoring their progress;
- (f) Establishing centres for management of juveniles delinquency;
- (g) Rehabilitating youths, sports and cultural centres;



- (h) Strengthening the spirit of religious tolerance and mutual interdependence;
- (i) Establishing public theatres, public libraries, lecture halls, mobile cinema centres as means of exhibition for the development and advancement of the society;
- (j) Establishing social registers;
- (k) Organizing collection of donations, aid subsidies for religious, educational, social, cultural, sports and charitable activities;
- (l) Establishment of Archives and Museums; and
- (m) Collection of Cultural art facts and monuments.

(8) Public Order and Public Security

- (a) Overseeing public processions and gatherings to maintain public tranquillity;
- (b) Provision of fire fighting equipments deluges and floods and establishing brigades for fire and protection of facilities;
- (c) Naming streets, numbering houses, making roads signs and taking any other measures for facilitating safe passage of traffic;
- (d) Prevention of unauthorised persons from carrying fire arms, dangerous weapons and fireworks;
- (e) Submitting security reports to the higher level; and
- (f) Submitting recommendations, to the competent bodies, with respect to organizing and restricting immigration from neighbouring states and otherwise.

(9) Miscellaneous Functions

- (a) Receiving official visitors;
- (b) Issuing and authenticating administrative certificates; and
- (c) Providing local database on the activities, institutions and utilities.



FOURTH SCHEDULE
[Made under Section 60]

**MEETINGS AND PROCEEDINGS OF THE LOCAL
GOVERNMENT AUTHORITIES**

Annual and
ordinary
Meetings.

1.-(1) Every Council shall meet at an ordinary meeting as often as its business may require and at least once in every three months in the Council Chamber or in any other suitable location within the Authority decided by the Council.

(2) The first annual meeting of the council shall be held within one month of the result of election and thereafter at twelve month interval.

(3) Other meetings shall be held on such other days before the annual meeting following the council's decisions at annual meeting or as the standing order may determine.

(4) The Chairperson at any time and shall at the request in writing signed by not less than two third of the Councillors call a meeting of the council and the day fixed for such meeting shall be within fourteen days of the presentation of such request.

Notices of
meetings.

2.-(1) The Clerk or Secretary shall, not less than one week before the time appointed for the holding of the meeting of an Authority, notify every member in writing of the place, day and time of the meeting and the business proposed to be transacted at the meeting.

(2) The notice of the meeting shall be served on every Councillor either personally or by leaving the same at his usual place of residence or at his business address.

Provided that the accidental omission to serve a notice on any Councillor shall not affect the validity of any meeting.

Quorum of the
meetings.

3.-(1) One half of all members shall constitute a quorum at any ordinary meeting of a Council and the quorum at a special meeting of the Council shall be two thirds of all the members.

- (a) a member who fails to attend three consecutive ordinary meetings, without informing the Mayor or chairperson, the disciplinary action shall be taken against him in accordance with Regulations of the Council made under this Act or any other law;



(b) the vacancy shall be open upon the declaration of the electoral Commission for the said seat.

Language of the Council.

4.-(1) The language of the Council shall be Kiswahili as the official language or medium of communication therein and on the special request to the Chairperson, the member of the Council may be allowed to use English.

(2) The use of developed sign languages may be encouraged by the Local Government Councils for the benefit of people with special needs.

Minutes of the meetings.

5.-(1) The Clerk or Secretary shall record and keep details of all business conducted or transacted at all meetings of the Council.

(2) Minutes of the proceedings of a meeting of the Council or any of its committee shall be drawn up in Kiswahili, but it may be translated to English if needs arises, and a copy thereof shall be circulated to the Councillors and the Minister within two weeks of the meeting.

Adjournment of the meeting.

6. The members present at any meeting of a Council may from time to time adjourn such meeting and, if at any meeting there is no a sufficient quorum to exercise the powers vested in the Authority, the Chairperson, shall adjourn the meeting and may appoint such day and time as may be considered suitable.

Meeting to be held in public.

7.-(1) Every meeting of full council shall be open to the public and the press.

(2) The provision of subsection (1) of this section shall not apply to any committee meeting prescribed in this Act.

Mayor or Chairperson to preside and have a casting vote.

8.-(1) Save where otherwise provided under this Act, at every meeting of the Authority, the Mayor or Chairperson, on his absence the Deputy Mayor or Vice-chairperson shall preside.

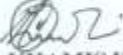
(2) In the absence of Mayor or Chairperson and Deputy Mayor or Vice chairperson, the members present shall elect an acting Mayor or Chairperson from amongst themselves to preside at such meeting.

(3) All questions proposed for decision at any meeting of the Authority shall be decided by a majority of the vote of the members present and voting, and in the event of equality of the vote the Mayor or Chairperson or other member presiding shall have a casting vote, in addition to his deliberative vote.



Standing Orders. 9. Subject to the provisions of this Act and to the approval of the Minister the Council may make standing orders for the regulation of its proceedings and business of the authority and may vary, amend or revoke any such orders.

Passed by the House of Representatives of Zanzibar on 29th October, 2014.


YAHYA KHAMIS HAMAD
CLERK
HOUSE OF REPRESENTATIVES,
ZANZIBAR.