



MISCELLANEOUS AMENDMENT ACT, 2016

ARRANGEMENT OF SECTIONS

**PART ONE
PRELIMINARY PROVISIONS**

SECTIONS

TITLE

1. Short title and commencement.

**PART TWO
AMENDMENT OF THE LABOUR RELATION ACT,
NO. 1 OF 2005**

2. Construction.
3. Amendment of section 81.

**PART THREE
AMENDMENT OF THE MAGISTRATES' COURT ACT,
NO. 6 OF 1985**

4. Construction.
5. Amendment of section 5.
6. Amendment of section 7.
7. Amendment of section 10.

**PART FOUR
AMENDMENT OF THE ZANZIBAR COMMERCIAL COURT
ACT, NO. 9 OF 2013**

8. Construction.
9. Amendment of section 37.

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

10. Construction.
11. Amendment of section 4.
12. Amendment of section 5.
13. Amendment of section 63.

;



**PART SIX
AMENDMENT OF THE PUBLIC PRIVATE PARTNERSHIP
ACT, NO. 8 OF 2015**

14. Construction.
15. Amendment of section 2.
16. Amendment of section 21.
17. Amendment of section 35.
18. Amendment of section 38.
19. Amendment of section 46.

**PART SEVEN
AMENDMENT OF THE ZANZIBAR PUBLIC LEADERS CODE
OF ETHICS ACT, NO 4 OF 2015**

20. Construction.
21. Amendment of Second Schedule.

**PART EIGHT
AMENDMENT OF THE ZANZIBAR TRADE ACT, NO. 14 OF 2013**

22. Construction.
23. Amendment of section 3.
24. Amendment of section 23.

**PART NINE
AMENDMENT OF THE KIZIMBANI AGRICULTURAL INSTITUTE ACT,
NO. 5 OF 2007**

25. Construction.
26. Amendment of section 7.
27. Amendment of section 9.



PART TEN
AMENDMENT OF THE ZANZIBAR CONSTITUENCY DEVELOPMENT
FUND ACT, NO. 4 OF 2012

- 28. Construction.
- 29. Amendment of section 9.

PART ELEVEN
AMENDMENT OF THE ZANZIBAR LOCAL GOVERNMENT
AUTHORITY ACT, NO. 7 OF 2014

- 30. Construction.
- 31. Amendment of section 4.
- 32. Amendment of section 10.
- 33. Amendment of section 11.
- 34. Amendment of section 12.
- 35. Amendment of section 22.
- 36. Amendment of section 26.
- 37. Amendment of section 30.
- 38. Amendment of section 88.

PART TWELVE
AMENDMENT OF THE VALUE ADDED TAX
ACT NO. 4 OF 1998

- 39. Construction.
- 40. Amendment of section 3.



ACT NO. 5 OF 2016

I ASSENT

Alhaji

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

19th October....., 2016

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

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title and
Commencement.

1. This Act may be cited as Miscellaneous Amendment Act, 2016 and shall come into operation immediately after being assented to by the President.

**PART TWO
AMENDMENT OF THE LABOUR RELATION ACT,
NO. 1 OF 2005**

Construction.

2. This part shall be read as one with the Labour Relation Act, No. 1 of 2005 in this part referred to as the Principal Act.

Amendment
of section 81.

3. Section 81(1) of the Principal Act is hereby amended by repealing paragraph (a) and replacing with a new paragraph (a) as follows:

"(a) The Presiding Judge of the Zanzibar Industrial Court shall be appointed by Chief Justice from among the Judges of the High Court".

**PART THREE
AMENDMENT OF THE MAGISTRATES' COURT ACT,
NO. 6 OF 1985**

Construction.

4. This part shall be read as one with the Magistrates' Court Act, No. 6 of 1985 in this part referred to as the Principal Act.



Amendment
of section
5.

5. Section 5(2) of Principal Act is hereby amended in paragraph (a) by deleting the word "certificate" and replacing by the words "First Degree".

Amendment
of section 7.

6. Section 7 of the Principal Act is hereby amended by inserting the words "or English" after the word "Kiswahili".

Amendment
of section 10.

7. Section 10(2) of Principal Act is hereby amended by deleting the words "a diploma or" which appears between the words "holds" and "a".

**PART FOUR
AMENDMENT OF THE ZANZIBAR COMMERCIAL COURT ACT,
NO. 9 OF 2013**

Construction.

8. This part shall be read as one with the Zanzibar Commercial Court Act, No. 9 of 2013 in this part referred to as the Principal Act.

Amendment
of section 37.

9. Section 37 of the Principal Act is hereby repealed and replaced by a new section 37 as follows:

"37. Deputy Registrar shall be appointed by the Chief Justice from among the Deputy Registrars of the High Court".

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

Construction.

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

Amendment
of section 4.

11. Section 4(2) of the Principal Act is hereby amended as follow:-

(a) by repealing paragraph (a) and replaced with new paragraph (a) as follows:

(a) Chairperson who shall be appointed by the President;

(b) by repealing paragraph (b) thereof;

(c) by re-arranging the remaining paragraphs in order.

Amendment
of section 5.

12. Section 5(2) of the Principal Act is hereby amended by deleting the words " of State, First Vice President's Office".

Amendment
of section 63.

13. Section 63(1) of the Principal Act is hereby repealed and replaced by a new section 63(1) as follows:



Power to
make
Regulations,
Rules and
Guidelines.

63.-(1) Subject to the other provisions of this Act, the Minister may, make Regulations, Rules and Guidelines for the better carrying out the purposes of this Act.

**PART SIX
AMENDMENT OF THE PUBLIC PRIVATE PARTNERSHIP
ACT, NO. 8 OF 2015**

Construction..

14. This part shall be read as one with the Public Private Partnership Act, No. 8 of 2015 in this part referred to as the Principal Act.

Amendment
of section 2.

15. Section 2 of the Principal Act is hereby amended by:

(a) repealing the definition of “Minister” and replacing with a new definition as follows:

“Minister” means the Minister responsible for Finance.

(b) adding definition of the word “financial close” in it’s alphabetical order, as follows:

“Financial Close” means the stage when all the project and financing agreements have been signed;”

Amendment
of section 21.

16. Section 21 of the Principal Act is hereby amended by repealing paragraph (c) and replacing with a new paragraph (c) as follows:

"(c) to recover funds spent on the public private partnership process at financial close".

Amendment
of section 35.

17. Section 35(2) of the Principal Act is hereby amended by repealing paragraph (c) and replacing with a new paragraph (c) as follows:

"(c) the present value of the future direct payments by the Public Authority, if any:"

Amendment
of section 38.

18. Section 38(5) of the Principal Act is hereby repealed and replaced with a new sub section (5) as follows:

"(5) The Attorney General's Chambers shall provide a legal opinion within two months on the Agreement to the Ministry of Finance".

Amendment
of section 46.

19. Section 46(3) is hereby amended by deleting paragraph (f) and replacing with the new paragraph (f) as follows:



“(f) any requirements relating to the establishment of the business organization, including minimum amount of capital of a legal entity incorporated in accordance with the provisions of laws;”

PART SEVEN

AMENDMENT OF THE ZANZIBAR PUBLIC LEADERS CODE OF ETHICS ACT, NO 4 OF 2015

Construction. **20.** This Part shall be read as one with the Zanzibar Public Leaders Code of Ethics Act, No. 4 of 2015 in this part referred to as the Principal Act.

Amendment of Second Schedule. **21.** The Principal Act is hereby amended in the Second Schedule as follows:

(a) in **section two**, by deleting table (c) and replacing with the new table (c) as follow:

(c) Money in Bank account or Finance Institutions outside of Zanzibar:

(State countries which you have bank accounts)

(1) Name of the Bank/ Finance Institution and Place	(2) Account Number	(3) Amount	(4) Source of Finance	(5) Profit from the account	(6) Self expenditure business

(b) in **section three**, by deleting table (g) and replacing with the new table (g) as follow:

(g) Motor vehicle and other means of transport, (boat, airplane, engine) in or out of Zanzibar

(1) Type	(2) Registration Number	(3) Chassis Machine Number	(4) Value	(5) Source of finance	(6) Place where held	(7) Personal uses\ business



**PART EIGHT
AMENDMENT OF THE ZANZIBAR TRADE ACT,
NO. 14 OF 2013**

Construction. **22.** This Part shall be read as one with the Zanzibar Trading Act, No. 14 of 2013 in this part referred to as the Principal Act.

Amendment of section 3. **23.** Section 3 of the Principal Act is hereby amended by adding the definition of the word “electronic fiscal device” in its alphabetical order, as follows:

“electronic fiscal devices” means a machine designed for use in business for efficient management controls in areas of sales analysis and stock control system which conforms with the requirements including Z-reports from all electronic tax register, electronic device printer and electronic signature device;”

Amendment of section 23. **24.** Section 23 of the Principal Act is hereby amended by adding new sub section (2) immediately after sub section (1) as follows:

(2) There is hereby established the use of electronic fiscal device for the purpose of controlling the government revenue and availability of accurate sales transactions.

**PART NINE
AMENDMENT OF THE KIZIMBANI AGRICULTURAL INSTITUTE ACT,
NO. 5 OF 2007**

Construction. **25.** This part shall be read as one with the Kizimbani Agricultural Institute Act, No. 5 of 2007 in this part referred to as the Principal Act.

Amendment of section 7. **26.** Section 7 of the Principal Act is hereby amended by adding new sub section (2) immediately after sub section (1) as follows:

“(2) The Council may establish the research committee and any other committee for the better performance of the functions of the Council.”

Amendment of section 9. **27.** Section 9 of the Principal Act is hereby amended as follows:

(a) by inserting the word “General” after the word “Director” which appears in sub section (1) and in any other sections of this Act.

(b) by adding new sub section (5) immediately after sub section (4) as follows:

“(5) The President may appoint a Deputy Director General who shall perform his duties under the directives of the Director General.”



PART TEN
AMENDMENT OF THE ZANZIBAR CONSTITUENCY
DEVELOPMENT FUND ACT, NO. 4 OF 2012

Construction. **28.** This part shall be read as one with the Zanzibar Constituency Development Fund Act, No. 4 of 2012, in this part referred to as the Principal Act.

Amendment of section 9. **29.** Section 9 of the Principal Act is hereby amended as follows:

(a) in sub section (2) by adding new paragraph (e) immediately after paragraph (d) as follows:

“(e) Director of the respective Local Government who shall be a secretary of the Committee”.

(b) by repealing sub section (3) and replacing with the new sub section (3) as follows:

“(3) The Committee may, whenever necessary, co-opt any expert to provide advice during its meeting, but such expert shall not have the right to vote.”

PART ELEVEN
AMENDMENT OF THE ZANZIBAR LOCAL GOVERNMENT
AUTHORITY ACT, NO. 7 OF 2014

Construction. **30.** This Part shall be read together as one with the Zanzibar Local Government Authority Act, No.7 of 2014, in this Act referred to as the "Principal Act".

Amendment of section 4. **31.** Section 4 of the Principal Act is hereby amended by inserting new sub section (4) immediately after sub section (3) as follows:

"(4) Local Government Authorities shall be at level of District administration".

Amendment of section 10. **32.** Section 10 of the Principal Act is hereby amended in paragraph (c) by deleting the word "Shehia Council" and replacing it by the word "Shehia Consultative Committee in this section and wherever it appears in this Act.

Amendment of section 11. **33.** Section 11 of the Principal Act is hereby amended as follows:



(a) in sub section (2) paragraph (a) by deleting the word "Corporate Body" and replacing it by the word "Body Corporate" in this section and wherever it appears in this Act;

(b) by repealing paragraph (b) and replacing it by the following:

"(b) Municipal Council shall be a body Corporate, divided into number of Wards as determined by the Minister, subject to the criteria prescribed in the Second Schedule".

(c) by repealing paragraph (c) and replacing it by the following:

"(c) a Town Council shall be a body Corporate, divided into number of Wards as determined by the Minister, subject to the criteria prescribed in the Second Schedule".

(d) by repealing sub section (4) and replacing it by the following:

"(4) a District Council shall be a body Corporate, divided into number of Wards as determined by the Minister, subject to the criteria prescribed in the Second Schedule".

Amendment
of section 12.

34. Section 12 of the Principal Act is hereby amended in sub section (3) by deleting the word "Third Schedule" and replacing it by the words, "Second Schedule".

Amendment
of section 22.

35. Section 22 of the Principal Act is hereby amended as follows:

(a) in sub section (1) paragraph (a), deleting the word "Mayor" and replacing it by the word "Chairperson".

(b) in sub section (1) paragraph (b), deleting the words "Deputy Mayor and replacing it by the words"Vice Chairperson".

Amendment
of section 26.

36. Section 26 of the Principal Act is hereby amended by adding the new paragraph (t) as follows:

"(t) prohibition or regulating grazing, poultry keeping, out span privileges, keeping animals and the controls of animals of any kind of whatsoever within specified areas of a Local Authority".



Amendment
of section 30.

37. Section 30 of the Principal Act is hereby amended by inserting the new sub section (4) immediately after sub section (3) as follows:

"(4) Where the Council is dissolved, the Mayor and Deputy Mayor, Chairperson and Vice Chairperson, while continue to be in office, shall not have the powers to perform the functions vested to the Council.

Amendment
of section 88.

38. Section 88 of the Principal Act is hereby repealed and replaced by new section 88 as follows:

Powers of the
Minister to
dissolve and
summon the
Council.

88.-(1) The Minister is vested with powers to dissolve the Council for holding a General Election or prematurely; during the dissolution, the election for the Councilors shall be held and the new Council shall be summoned by the Minister to convene its first meeting not later than ninety days from the date of dissolution.

(2) Where two thirds of the Councilors have made petition to the Minister with the reasons to dissolve the Council pre-maturely, 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 it;

(b) where insufficient reasons are found to dissolve the Council, the Minister shall reject the petition.

(3) When the Minister dissolves the Council under section 88 (2) (a) of this Act, he shall inform the Zanzibar Electoral Commission for such Order.

PART TWELVE
AMENDMENT OF THE VALUE ADDED TAX
ACT NO. 4 OF 1998

Construction.

39. This part shall be read as one with the Value Added Tax Act No. 4 of 1998 in this part referred to as the Principal Act.

Amendment
of section 3.

40. Section 3 of the Principal Act is hereby amended by-

(a) deleting the words "on and after the 1st day of January 1999" appearing in sub section (1);



(b) deleting subsection (2) thereof and substituting for it a new subsection (2) as follow:

“(2) Notwithstanding the provisions of this Act, the Minister shall provide procedures and regulations for payment of Value Added Tax for the supply of goods imported from Tanzania Mainland”.

(c) deleting subsection (3) and (4) thereof.

Passed by the House of Representatives of Zanzibar on 24th September, 2016.

{ RAYA ISSA MSELLEM }
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR