



**AN ACT TO ESTABLISH LAW SCHOOL OF ZANZIBAR, TO PROVIDE  
FOR ADMINISTRATION, ADMISSION, ACADEMIC PROGRAMMES  
AND OTHER MATTERS CONNECTED THERETO**

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ACT NO. 13 OF 2019

I ASSENT

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

*30<sup>th</sup> December*, 2019

AN ACT TO ESTABLISH LAW SCHOOL OF ZANZIBAR, TO PROVIDE FOR  
ADMINISTRATION, ADMISSION, ACADEMIC PROGRAMMES  
AND OTHER MATTERS CONNECTED THERETO

ENACTED by the House of Representatives of Zanzibar.

**PART ONE**  
**PRELIMINARY PROVISIONS**

- Short Title and Commencement      1. This Act may be cited as the Law School of Zanzibar Act, 2019 and shall come into operation after being assented to by the President.
- Interpretation.                    2. In this Act, unless the contexts otherwise require:
- “Council” means the Council of the School established under section 5 of this Act;
- “Minister” means the Minister responsible for legal affairs;
- “President” means the President of Zanzibar and Chairman of the Revolutionary Council;
- “Principal” means the Principal of the School appointed under section 16 of this Act;



“Qualified advocate or vakil” means an advocate or vakil recognized by the law relating to advocates;

“School” means the Law School of Zanzibar established under section 3 of this Act; and

“Student” means a person admitted for any programme of study conducted by the School.

## **PART TWO ESTABLISHMENT OF THE LAW SCHOOL OF ZANZIBAR**

Establishment of the School.

**3.**-(1) There is hereby established a School to be known as the Law School of Zanzibar which shall be a body cooperate with perpetual succession and common seal and shall, in its corporate name, be capable of:

- (a) suing or being sued;
- (b) entering into contracts;
- (c) taking, purchasing or otherwise acquiring, holding, developing or disposing of movable or immovable properties;
- (d) borrowing or raising money;
- (e) investing and dealing with monies of the School not immediately required in such manner as may, from time to time, be determined by the School; and
- (f) doing or performing all such other things or acts, which may lawfully be done by a body corporate.

(2) The application of the seal and logo of the School on any document shall be authenticated by the signature of the Principal or Deputy Principal authorized by the Principal.

(3) Any document in order to be legal document issued by the School shall be sealed by the seal of the School and authenticated with the provisions of subsection (2) of this section.



Functions  
and Powers  
of the School.

4.-(1) The functions of the School shall be to:

- (a) train persons to be qualified advocates or vakil;
- (b) provide continuing professional development for all categories of the legal professionals;
- (c) provide training to paralegal in consultation with the Legal Aid Department established under the Legal Aid Act;
- (d) provide other specialized trainings in the legal sectors;
- (e) develop curricula, training manuals, conduct examinations and confer academic awards;
- (f) undertake projects, research and consultancies; and
- (g) arrange for publication and dissemination of legal practise literature generated from activities of the School as may be determined by the Council.

(2) The School may establish relationship or association with other colleges and institutions both national and international.

### **PART THREE ADMINISTRATION**

The Council  
of the  
School.

5.-(1) There shall be a Council of the School which shall consist of:

- (a) Chairman who shall be appointed by the President;
- (b) the Principal who shall be an ex-officio member;
- (c) one Judge of the High Court of Zanzibar;
- (d) one active member of the Zanzibar Law Society;
- (e) one state Attorney from Attorney General Chambers;
- (f) one member from a higher learning Institution; and
- (g) one member from the Legal Aid Department.



(2) All members under paragraphs (c), (d), (e), (f) and (g) of subsection (1) of this section, shall be appointed by the Minister after consultation with their appropriate authorities.

(3) The Deputy Principal for Academic affairs shall be the Secretary of the Council.

Qualifications  
of Chairman.

6. A person shall qualify to be appointed as the Chairman if that person:

- (a) is a Zanzibari;
- (b) holds a degree in any recognized profession;
- (c) has experience in that field of at least seven years; and
- (d) has sound integrity.

Powers and  
Functions  
of the  
Council.

7.-(1) The Council shall, subject to this Act, have general control and management of the School and give directions in matters relating to the management of the School.

(2) Notwithstanding the generality of subsection (1) of this section, the Council shall have the following functions:

- (a) provide guidance in the formulation of:
  - (i) strategic development plans;
  - (ii) study programmes; and
  - (iii) capacity building programmes.
- (b) approve curricula and study programmes;
- (c) approve tuition fees and charges for various services rendered by the School;
- (d) approve schedules for examination;
- (e) confirm examination results;
- (f) monitor and evaluate the performance of the School;



- (g) administer the properties and funds of the School in a transparent and accountable manner and for such purpose as shall promote the functions of the School;
- (h) recruit officers and staff of the School in accordance with the Public Service Act; and
- (i) approve and submit to the Minister the budget estimates in respect of the School.

(3) The Council shall have powers to:

- (a) make policy decisions that enhance the performance of the School; and
- (b) make such Regulations as may be considered necessary for regulating the affairs of the School, prescribing:
  - (i) assessment criteria for academic awards;
  - (ii) the categories of examinations and the manner in which such examinations shall be administered;
  - (iii) the establishment and management of a centre for research and training in legal education for the attainment of the objects of the School;
  - (iv) the determination of fees and other charges for services rendered by the School;
  - (v) the supervision and discipline of the students of the School;
  - (vi) code of conduct for students and staff of the School; and
  - (vii) co-operation with higher learning institutions both within and outside Zanzibar that have objects similar to those of the School.
- (c) perform such other function as may be conferred on it by this Act or under any other written law.

(4) The Council shall also be responsible for formulating scheme of service and structure of the School in accordance with the Public Service Act.



Guiding Principles of the School.

8. In carrying out its functions and in exercising its powers under this Act, the School shall have regard to the following principles:

- (a) maintenance of integrity and professionalism;
- (b) achievement of excellence;
- (c) non discrimination; and
- (d) accountability.

Tenure of office.

9.-(1) The Chairman of the Council shall hold office for a term of four years but may be eligible for re-appointment.

(2) A member of the Council shall hold office for a term of three years and may be eligible for re-appointment.

Vacancy of the post of Chairman or a member.

10.-(1) The post of the Chairman or member of the Council shall become vacant if that Chairman or member:

- (a) resigns his office by notice in writing addressed to the appointing authority;
- (b) is absent from three consecutive meetings of the Council without the permission of the Chairman;
- (c) is convicted of an offence by a Court and sentenced to imprisonment for a term of more than six months;
- (d) is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (e) is unable, by reason of mental or physical infirmity, to discharge his functions as a member of the Council;
- (f) is adjudged bankrupt;
- (g) is otherwise unable or unfit to continue serving as a member of the Council; or
- (h) has died.





(2) Where any member of the Council ceases to be such a member by any reason under subsection (1) of this section, the appointing authority may appoint another member in his place and the member so appointed shall hold office for the remaining term of his predecessor.

Meetings of the Council.

**11.**-(1) The Council shall meet at such time and place in Zanzibar as the Council may deem appropriate but shall meet once in every three months.

(2) Any meeting of the Council, other than the ordinary meeting, shall be termed as extra ordinary meeting and may be called at any time when the Chairman deems appropriate.

(3) Notice of the time, place and agenda of every meeting of the Council shall be served by the secretary to every member of the Council.

(4) In the case of ordinary meeting, notice shall be given to each member not less than fourteen days before the meeting, and in the case of extra ordinary meeting, not less than forty eight hours before the meeting.

Quorum and decisions.

**12.**-(1) The quorum for meetings of the Council shall be at least more than half of all members of the Council.

(2) All decisions of the Council shall be made by consensus.

(3) If there is no consensus, decisions of the Council shall be reached by a majority of the votes of the members present.

(4) The Chairman at the meeting shall have a deliberative vote and shall, in the event of an equality of votes, have a casting vote.

(5) The Chairman shall preside at every meeting of the Council at which he is present, and in the absence of the Chairman at a meeting, the members present shall elect one of them to preside at the meeting and shall have all the powers of the Chairman.

(6) The Council may invite any person whose knowledge and experience it considers likely to be of assistance to the Council, to attend any meeting of the Council and take part in the proceedings but shall have no vote.

Minutes of the meetings to be recorded.

**13.** The Council shall cause proper minutes of all meetings of the Council to be taken and recorded.



Allowances of the Council members.

**14.** The members of the Council shall be paid such fees or allowances as the Minister may approve in accordance with the Public Service Act and Public Finance Management Act.

Committees and delegation.

**15.**-(1) The Council may establish Committees among its members as it may consider necessary.

(2) The Council may, by resolution, either generally or in a particular case, delegate to any Committee or to any member, officer, employee or agent of the Council, the performance of any of the functions of the Council under this Act.

Principal.

**16.**-(1) There shall be a Principal who shall be appointed by the President.

(2) The Principal appointed under subsection (1) of this section, shall be the Chief Executive Officer of the School.

(3) A person shall qualify to be appointed as a Principal if that person:

- (a) is a Zanzibari;
- (b) holds at least first degree in law with experience of not less than **seven** years in that field; and
- (c) has high degree of integrity and good character.

(4) The Principal shall, subject to the directives of the Council, be responsible for the day-to-day management of the affairs of the School.

(5) Notwithstanding to the generality of subsection (4) of this section, the Principal shall have the following duties to:

- (a) ensure the maintenance of efficiency and discipline by all staff of the School;
- (b) conduct examinations in accordance with the schedule approved by the Council;
- (c) manage the budget of the School to ensure that its funds are properly expended and accounted for; and
- (d) perform other duties as the Council may, from time to time, assign.



(6) The Principal shall hold office for a term of four years and may be eligible for re-appointment.

Deputy  
Principals.

**17.**-(1) There shall be two Deputy Principals one responsible for academic matters and another responsible for administrative matters who shall be appointed by the President.

(2) The qualifications of the Deputy Principals shall be at least first degree in law, administration, economy or any other related fields.

(3) The Deputy Principals shall hold office for a term of three years and may be eligible for re-appointment.

(4) The Deputy Principals shall be appointed through a competitive recruitment process on such terms as the President may determine.

(5) The Deputy Principal responsible for academic shall be the immediate assistant of, and accountable to the Principal in all matters pertaining to the academic activities of the School.

(6) The Deputy Principal responsible for administration shall be the immediate assistant of, and accountable to the Principal in all matters pertaining to the administrative activities of the School.

Staff.

**18.** The Council shall recruit such officers and staff of the School as necessary for the proper discharge of the functions of the School in accordance with the Public Service Act.

#### **PART FOUR ADMISSION AND ACADEMIC PROGRAMMES**

Admission  
requirements.

**19.** A person shall not be duly qualified for admission to a course of study at the School, unless that person has met the admission requirements as prescribed in the Regulations.

Application  
for  
admission.

**20.**-(1) A person who wishes to be admitted to any course of study at the School shall apply in accordance with prescribed Regulations.

(2) The School shall consider an application submitted under subsection (1) of this section, and if it is satisfied that the applicant meets the admission requirements, shall admit the applicant to the School.



Course  
Programmes.

**21.** The Council shall determine and publish in the Prospectus:

- (a) the academic programmes and course units; and
- (b) the academic calendar, including the duration of each course of the study.

Assessment  
criteria and  
academic  
awards.

**22.**-(1) The School shall assess a student in each course unit, using assessment criteria as stipulated in the Regulations.

(2) If the School is satisfied under assessment criteria referred to in subsection (1) of this section, the Council may award a certificate, diploma or post-graduate diploma.

(3) The Council may withdraw and recall an academic award if such award is found to have been obtained through fraud.

## **PART FIVE FINANCIAL PROVISIONS**

Funds of the  
School.

**23.** The funds of the School shall be derived from:

- (a) such moneys as may be appropriated as subvention by the House of Representatives;
- (b) all moneys paid to the School by way of fees, grants, donations, contributions, endowments, gifts, subscriptions, rents or interests;
- (c) all moneys borrowed for the purpose of the School in accordance with the Public Finance Management Act; and
- (d) any moneys or properties which may become payable to or vested in the School in respect of performance of its functions.

Expenditures  
of the funds.

**24.** The funds of the School shall be used for:

- (a) expenses incurred by the School in the performance of its functions under this Act;
- (b) the payment of the salaries, allowances, and other charges in respect of staff of the School;



- (c) investments of moneys which form part of the funds of the School and are not immediately required for any purposes;
- (d) repayment of any moneys borrowed by the School and for payment of interest on any moneys so borrowed; and
- (e) all expenditures incurred in relation to the establishment, procurement of equipment or management of the School.

Annual estimates.

**25.**-(1) At least six months before the commencement of the following financial year, the Council shall cause to be prepared estimates of the revenue and expenditures of the School for that financial year.

(2) The annual estimates shall make provisions for all estimated expenditures of the School for the financial year, in particular, the estimates shall provide for:

- (a) the payment of salaries, allowances and other charges in respect to the staff of the School;
- (b) the proper maintenance of the buildings and precincts of the School;
- (c) the maintenance, repairs and replacement of the equipment and other property of the School; and
- (d) all expenditures a incurred in relation to the establishment, equipment or management of the School.

(3) The annual estimates shall be considered by the Council before the commencement of the financial year to which they relate and shall be submitted to the Minister in accordance with the Public Finance Management Act.

(4) Expenditures shall not be incurred for the purpose of the School except in accordance with the annual estimates approved under subsection (3) of this section.

Accounts and audit.

**26.**-(1) The Council shall cause to be kept all proper books and records of account of the income, expenditure and assets of the School.

(2) The accounts of the School shall be audited and reported upon in accordance with the provisions of the Public Finance Management Act and the Office of the Controller and Auditor General Act.



## PART SIX MISCELLANEOUS PROVISIONS

Protection  
from personal  
liability.

**27.** No matter or thing done by a member of the Council or any officer, employee or agent of the School shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the School, render the member, officer, employee or agent or any person acting by his directions personally liable to any action, claim or demand whatsoever.

Liability  
of the  
Council for  
damages.

**28.** The provisions of section 27 of this Act, shall not relieve the Council of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, or any works.

Offences  
and penalty.

**29.**-(1) A person who knowingly, for the purpose of procuring the registration of himself or another person as a student of the School, or for any other purpose under this Act:

- (a) makes any false statements or representation; or
- (b) produces or furnishes or causes to be produced or furnished any document or information which is false in a material particular,

commits an offence.

(2) A person who commits an offence under this section and upon conviction, shall be liable to a fine of not exceeding One Million Shillings or imprisonment for a term not exceeding one year or both.

Regulations.

**30.** The Minister may, generally make Regulations for better carrying out the provisions of this Act.

**PASSED** by the House of Representatives of Zanzibar on 5<sup>th</sup> December, 2019.

(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar.*