



**AN ACT TO AMEND THE ESTABLISHMENT OF THE  
OFFICE OF MUFTI ACT, NO. 9 OF 2001**

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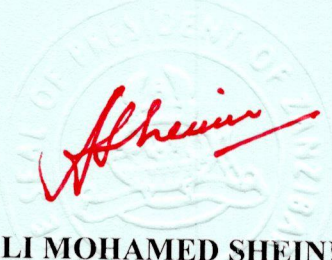
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ACT NO. 8 OF 2019

I ASSENT



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

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

**AN ACT TO AMEND THE ESTABLISHMENT OF THE  
OFFICE OF MUFTI ACT, NO. 9 OF 2001**

**ENACTED** by the House of Representatives of Zanzibar.

**PART ONE  
PRELIMINARY PROVISIONS**

Short title and  
Commencement.

**1.** This Act may be cited as the Establishment of the Office of Mufti (Amendment) Act, 2019 and shall come into operation immediately after being assented to by the President.

Construction.

**2.** This Act shall be read as one with the Establishment of the Office of Mufti Act, No. 9 of 2001, in this Act referred to as the "Principal Act".

**PART TWO  
AMENDMENT PROVISIONS**

Amendment of  
section 2.

**3.** Section 2 of the Principal Act is amended by adding the interpretation of the new words at the appropriate alphabetical positions as follows:

"Council" means the Zanzibar Council of Ulamaa established under section 11A (1) of this Act;



"Madrasa" means an educational institution that provides instruction on islamic subjects including the Qur an, islamic traditions (Sunna and Hadith) of the Prophet (S.A.W), Philosophy of Law (Fiqhi) and Islamic laws.

Addition of  
new section  
4A.

4. The Principal Act is hereby amended by adding new section 4A immediately after section 3 as follows:

Seal and  
Logo  
of the Office.

"4A.-(1) There shall be a common seal and logo of the Office of the Mufti in a shape and size as may be determined by the Council.

(2) The application of the seal and logo of the Office of the Mufti on any document shall be authenticated by the signature of the Secretary to the Mufti or any other officer authorized by the Secretary to the Mufti.

(3) Any document purporting to be an instrument issued by the Office of the Mufti, shall be sealed with the seal of the Office of the Mufti and authenticated in accordance with subsection (2) of this section."

Amendment  
of section 5.

5. Section 5 of the Principal Act is amended by adding new subsection (3) immediately after subsection (2) as follows:

"(3) Where the Mufti is absent, the Deputy Mufti shall exercise all functions and powers of the Mufti."

Amendment  
of section 7.

6. Section 7 of the Principal Act is amended by repealing subsection (2) and replacing it with new subsection (2) as follows:

"(2) A person shall qualify to be appointed as the Secretary of Mufti, if that person:

- (a) is a Zanzibari;
- (b) holds at least first degree in Islamic matters;
- (c) has working experience of at least four years in the Public Administration matters; and
- (d) has sound integrity."



Amendment  
of section 8.

7. Section 8 of the Principal Act is amended by:

- (a) repealing subsection (1) and replacing with the new subsection (1) as follows:

"(1) The Mufti may, in consultation with the Minister, establish departments and units of the Office of the Mufti when it deems necessary in accordance with provisions of the Public Service Act."

- (b) adding new subsections (2) and (3) immediately after subsection (1) as follows:

(2) Heads of the departments established under subsection (1) of this section, shall be appointed by the Mufti in consultation with the Minister in accordance with the provisions of the Public Service Act.

(3) The heads of the units shall be appointed by the Mufti in accordance with the provisions of the Public Service Act."

- (c) renumbering subsections (2) and (3) of this section to be subsections (4) and (5) respectively.

Amendment  
of section 9.

8. Section 9 of the Principal Act is amended by:

- (a) adding the words "madrasa and" between the word "all" and "mosques" in paragraph (i) of subsection (1);

- (b) adding new paragraphs (o) and (p) immediately after paragraph (n) as follows:

"(o) coordinate National Eid Prayers and Eid Council;

(p) supervise the conversion certificates."

- (b) renumbering paragraphs (o) and (p) of subsection (1) to be paragraphs (q) and (r) respectively.

Amendment of  
section 10.

9. Section 10 of the Principal Act is amended by:

- (a) adding new paragraph (d) immediately after paragraph (c) as follows:



(d) to cancel any permit of Islamic activities or any Islamic gathering in Zanzibar or suspend Islamic preacher who contravenes the provisions of such permit.

(b) renumbering the paragraphs (d) and (e) of subsection (1) to be paragraphs (e) and (f) respectively.

Addition of  
new section  
11A.

**10.** The Principal Act is hereby amended by adding new section 11A immediately after section 10 as follows:

Establishment  
of Ulamaa  
Council. "11A.- (1) There is hereby established an advisory organ of the Mufti to be known as a Council of Ulamaa Zanzibar.

(2) The Council shall be composed of:

(a) Mufti who shall be a Chairperson of the Council;

(b) Chief Kadhi;

(c) Deputy Mufti;

(d) Deputy Chief Kadhi;

(e) Executive Secretary of the Wakf and Trust Commission;

(f) Principal of the Government Muslim College;  
and

(g) one sheikh from each District."

(3) Save for chairperson and ex-officio members, members mentioned under paragraph (g) of subsection (2) of this section, shall be appointed by the Minister upon consultation with the Mufti based on experience, education and professionalism relating to Islamic matters.

(4) The Secretary to the Mufti shall be the Secretary of the Council.

(5) The meetings procedures, tenure of the members, benefits of the members and other proceedings of the meetings of the Council shall be prescribed by the Regulations made under this Act."



Addition of  
new section  
11B.

**11.** The Principal Act is hereby amended by adding new section 11B immediately after section 11A as follows:

Functions of  
the Council.

"11B.-(1) The Council shall advise the Mufti on Islamic matters submitted to him for the purposes of issuing fatwa and shall perform any other function as may be determined by the Mufti.

(2) The decisions of Mufti after consultation from the Council in providing fat-wa shall be the final."

Amendment  
of section 11.

**12.** Section 11 of the Principal Act is amended by repealing paragraph (a) and replacing it with new paragraph (a) as follows:

"(a) such sums as may be appropriated by way of subvention by the House of Representatives."

Amendment  
of section 14.

**13.** Section 14 of the Principal Act is amended by:

- (a) deleting the words "One Hundrend Thousand" and replacing with the words "Two Hundrend Thousand" in subsection (1) of this section.
- (b) deleting the words "Two Hundrend Thousand" and replacing with the words "Five Hundrend Thousand" in subsection (2) of this section.

Amendment  
of the Wakf  
and Trust  
Commission  
Act, No. 2 of  
2007.

**14.** The Wakf and Trust Commission Act, No. 2 of 2007 is amended by repealing paragraph (d) of subsection (1) of section 4 thereof.

**PASSED** by the House of Representatives of Zanzibar on 27<sup>th</sup> November, 2019.

(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar.*