



**AN ACT TO REPEAL THE NATIONAL LEADERS ACT NO. 10 OF 2002  
AND TO ENACT AN ACT TO PROVIDE FOR THE PROCEDURES  
OF HONOURING THE NATIONAL LEADERS AND  
OTHER MATTERS CONNECTED THERETO**

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ACT NO. 5 OF 2019

I ASSENT

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

*21<sup>st</sup> October*, 2019

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ENACTED by the House of Representatives of Zanzibar.

**PART ONE  
PRELIMINARY PROVISIONS**

Short Title and  
Commence-  
ment.

1. This Act may be cited as the National Leaders Honouring Act, 2019 and shall come into operation immediately upon being assented to by the President.

Interpretation.

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

“A week of Honouring State Leaders” means a week starting from 1<sup>st</sup> to 6<sup>th</sup> April of every year;

“Chief Justice” means the Chief Justice of Zanzibar;

“Committee” means National Funeral Committee, Funeral Executive Committee and any other committee established under this Act;

“Director General” means a Director General in the Ministry of Health;





“Government document” means any document mentioned under section 4(2) (a) of this Act;

“Government Leader” means a Minister, Attorney General, Deputy Minister, Members of the House of Representatives, Judge of High Court, Chief Secretary and Secretary of the Revolutionary Council, Mufti, Chief Kadhi and Control and Auditor General who dies in office and for this purpose shall include the wife or husband of the State Leader who is in office or retired ;

“Government” means the Revolutionary Government of Zanzibar;

“Grave” means the area on earth in which the body of the deceased is buried;

“Honouring” means to preserve records of works of the State Leader done during his life and preparing his official burial procedures;

“Karume Day” means the 7<sup>th</sup> day of April of every year;

“Minister” means the Minister responsible for the administration of this Act;

“Place of Worship” means a mosque or church for this purpose shall include any other place used for worshipping;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Speaker” means the Speaker of the House of Representatives of Zanzibar;

“Special museum” means the museum established under section 3 of this Act;

“State Leader” means the President of Zanzibar and Chairman of the Revolutionary Council and the Vice Presidents of Zanzibar who is in office or retired;

“Top leader” means Chief Justice and Speaker of the House of Representatives who is in the office or retired;

“Vice President” means the First Vice President and Second Vice President of Zanzibar appointed in accordance with to section 39 (2) of the Constitution of Zanzibar, 1984 and for this purpose shall include the Retired Chief Minister; and





“Will” means a written or oral instruction which the deceased left that he would or would not like to be done on his honouring;

## PART TWO PRESERVATION OF RECORDS AND OTHER MATERIALS

Establishment  
of Special  
Museum.

3. It is hereby established a Special Museum for preserving the records and other materials or objects of State Leader who held the office of President.

Preservation  
of records  
and other  
materials.

4.-(1) It shall be the duty and responsibility of the Minister to regulate and control the collection, preservation, disposition and honouring of record, statue and other materials of the State Leader who held the office of President.

(2) The procedure for preserving the record, statue and other materials of the State Leader under subsection (1) of this section, shall include the following:

- (a) government document issued or created such as speech, photograph, book, pamphlet and legislation which he signed;
- (b) any government information delivered or captured and recorded in cassette, video and other electronic devices;
- (c) memorable thing and objects such as gift presented to him, personal diary, metal thing, cloth or utensil, statue, personal thing and shall be preserved by his or his family's consent;
- (d) oral recording and information about him given by person who knows him.
- (e) movable or immovable property related to his life history shall be preserved on his or his family's consent; and
- (f) bust statue of the image of the late Sheikh Abeid Amani Karume and short information describing his period of presidency.

(3) Records and other materials shall be administered in accordance with the provisions of this Act and any other law relating to the management of archives.

(4) The decision regarding to classification of records and other materials or objects warranting preservation as archives shall be made after consultation and consent of the representative of the family concerned of the deceased.





(5) Any person who have memorable object, material or anything or things of the State Leader may with his consent send such objects to the Special Museum.

Place, Event, Institution and Facility to be given a name of State Leader.

5.-(1) The Minister shall, with the consent of the Revolutionary Council, name place or institution such as airport, sports ground, street, school, university, sports club, main road, building or event to be State Leader as the way of honouring him.

(2) Any individual who wishes to display the name of State leader as prescribed in subsection (1) of this section, shall apply for the consent to the Minister.

(3) The Minister shall, after receiving the application of the individual wishes to display the name of a State Leader, submit such application to the Revolutionary Council for approval.

Vesting of records and other materials in Special Museum.

6.-(1) Any records and other materials which at the time of coming into operation of this Act, were expressly given, deposited or bequeathed to the State Leader on behalf of the Government or Government of the United Republic of Tanzania, or any other place outside Zanzibar when needed, may be preserved in the Special Museum.

(2) Any other person who possesses such records or materials or objects for the public use or private use shall remain in his possession until such time when that person gives, deposits, bequeaths or sells to the Government and the Government shall vest them in the Special Museum.

Procedures for preservation or disposal of records and other materials.

7.-(1) The Minister shall, in consultation with minister responsible in the for public records and archives management, advise on the view to working out procedures necessary to facilitate preservation or disposition of record and other materials or objects where:

(a) additional advice received from representative of the family of the State Leader is done, and it is found that such record or material or object have special interest to the country and that it is necessary to be preserved to the Special Museum; or

(b) consultation with representative of the family of the State Leader is done, and it is found that such record or material or object are no longer of special interest to the country and that their disposition is necessary.

(2) Preservation and disposal of record, document or other material or object under this Act shall be according to the Regulations made under this Act.





A week of Honouring State Leader.

**8.**-(1) There shall be a Week of Honouring State Leaders starting from 1<sup>st</sup> to 6<sup>th</sup> April of every year.

(2) 7<sup>th</sup> day of April of each year shall be a Karume Day which shall be a public holiday and the Minister, after consultation with the Revolutionary Council, shall specify a place for performing the memorial activities of that day.

(3) Karume Day shall be a Memorial day for the late Sheikh Abeid Amani Karume where different activities shall be conducted to indicate remembrance of his excellent achievements and outstanding Leadership.

### **PART THREE FUNERAL ARRANGEMENTS OF STATE TOP AND GOVERNMENT LEADER**

Type of funeral.

**9.** There shall be two types of funerals; a State funeral and a Government funeral in accordance with the status of the Leader as follows:

- (a) The State Funeral shall be conducted in the manner stipulated under section 12 (1), (2), (3), (4), (5), (7) and (8) of this Act in respect of State Leader or Top Leader who at the time of his death is in the office or retired; and
- (b) The Government Funeral shall be arranged in respect of Government leader who, at the time of his death, is in the post.

A Leader entitled to funeral arrangements.

**10.**-(1) A Leader entitled to funeral arrangements under this Act shall be the State Leader, Top Leader or Government Leader, and the arrangements shall be conducted in accordance with the status of the leader as follows:

- (a) the President who dies in office or who retired shall have a State funeral as specified in section 12 (1), (2) and (3) of this Act;
- (b) the Vice President who dies in office or who retired shall have a state funeral as specified in section 12 (4) of this Act;
- (c) the Top Leader shall have a state funeral as specified in section 12 (5) of this Act;
- (d) the Government Leader who dies in that position shall have a government funeral as specified in section 12 (6)(7) and (8) of this Act;





- (e) a president who is impeached by the members of the House of Representatives shall be excluded from this funeral arrangement in accordance with this Act;
- (f) the president who has resigned and has not stayed in the office for five years but served more than three years, his funeral arrangements shall be that of Vice President as specified under section 12 (4) of this Act.
- (g) the Vice President, whose appointment is revoked by the President or resigns before completing five years but served for more than three years, his funeral arrangement shall be that of a Minister as specified in section 12 (6) of this Act.
- (h) the Top Leader who resigns before completing five years but served for more than three years, his the funeral arrangements shall be that of a Minister as specified in section 12(6) of this Act.

(2) The funeral arrangements for the deceased Member of the House of Representatives and the Judge of the High Court shall be made by the Office of Speaker or Chief Justice respectively as may deem necessary.

Power of the President.

**11.** Without prejudice to the provisions of section 9 of this Act, any person who is not entitled to funeral arrangement as prescribed under this Act, the President may order the deceased to be buried for the government funeral.

Funeral Procedure.

**12.-**(1) There shall be a special parade of the Tanzania People's Defence Force on the day of the burial for a President who died in office or who is retired, the parade shall be of one guard and shall be conducted near to the place of burial.

(2) The parade shall be organized by Tanzania People's Defence Force.

(3) The Tanzania People's Defence Force shall fire twenty-one-gun salute at the time and near the place of burial.

(4) The Vice President who is dies in office or who is retired, shall be entitled to parade of one guard and nineteen gun salutes shall be fired at the time and near the place of burial by the Tanzania People's Defence Forces.

(5) Where the Top Leader dies, shall be entitled to parade of one guard from Tanzania Police Forces and seventeen blank guns which shall be fired at the time and near the place of burial.





(6) There shall be no parade and guns for burial of Government Leader who dies in the post.

(7) The eulogy of the deceased shall be read at the graveyard;

(8) The Prayers of the deceased shall be conducted in accordance with the religion or belief of the deceased.

(9) The bier of the deceased shall be covered with the Zanzibar flag according to the status of the leader mentioned in section 9 (a) (b) and (c) of this Act, with the exception of the bier of members of House of Representative that will be covered by the House Flag.

(10) Without prejudice to the provisions of this Section, in case the late leader has served the office in both the Government of United Republic of Tanzania and the Revolutionary Government of Zanzibar, the procedure for burial and covering the bier of the deceased shall be done after consultation between the National Funeral Committee of the Revolutionary Government of Zanzibar and the National Funeral Committee of the United Republic of Tanzania.

(11) The flag used to cover the bier of the late President who died in office or retired shall be presented to the Director responsible of the Foreign Affair who is in Zanzibar and shall be preserved to the Special Museum and for the other State Leaders the flag shall be presented to the family of the deceased.

Procedure for  
burial of  
wife or  
husband of  
State Leader.

**13.** The spouse of the State leader shall have the Government funeral of the Government leader who dies in office.

Death  
announcement.

**14. -(1)** Immediately after the President receives information on the death of State Leader shall convene the meeting of the Revolutionary Council and invite the Heads of Defence and Security Forces of the Union Government who are in Zanzibar and Heads of the Special Departments of the Revolutionary Government of Zanzibar and do the following:

(a) deliver special announcement on the death of deceased which describing time and cause of death;

(b) announce period of mourning and for the flag to fly half mast; and

(c) announce such death to the mass media.





(2) Where the State Leader died within the country, the responsible Minister of the office where the deceased worked shall inform the President or person discharging functions of the President according to the Constitution of Zanzibar, 1984 and where the State Leader dies outside the country, the Embassy of Tanzania where the leader died shall deliver official information to the President.

(3) Where the President died, the day of his burial shall be the public holiday for the purpose of mourning.

(4) Where death of the State Leader occurs, while the President is not in the United Republic of Tanzania or is not in office for any reason, the person discharging functions of the President shall announce the death.

(5) Where the President who is in office dies, the Second Vice President shall convene the Revolutionary Council meeting and invite the Heads of Defence and Security forces of the Government of the United Republic of Tanzania who are in Zanzibar and Special Departments of Government and deliver information as specified in subsection (1) of this section.

(6) Where a Government Leader dies, the Second Vice President shall notify the President and then deliver the death announcement to the public mass media after receiving the death information from the family of the deceased.

Funeral and cause of death.

**15.**-(1) The funeral of the concerned Leader shall be conducted in accordance with the religion, sect, customs, traditions, beliefs and will of the deceased in consideration of a reason and circumstance of his death.

(2) Where a body of the deceased is not found in the cause of death of a plane crash, death in the water or any other reason, the funeral activities to be done are mourning and other religious activities and thereafter, recitation of prayers in accordance with the religion of the deceased in a place as decided by the National Funeral Committee.

Information of Director General.

**16.** Where a State Leader died from any disease on which his burial requires the advice of the Director General, his advice shall be observed under this Act.

Period of mourning.

**17.**-(1) The period of mourning shall depend on the post of the State Leader who died and shall be as follows:

(a) for the President who is in office, the period of mourning shall be fourteen days and the flag shall fly half mast;





- (b) for the retired President, the period of mourning shall be seven days and the flag shall fly half mast;
- (c) for the Vice President who is in office, the period of mourning shall be seven days and the flag shall fly half mast;
- (d) for the retired Vice President, the period of mourning shall be three days and the flag shall fly half mast;
- (e) for the Top Leader who is in office, the period of mourning shall be three days and the flag shall fly half mast;
- (f) for Government Leader mentioned in this Act, the period of mourning shall be the day of the funeral and the flag shall not fly half mast.

National  
Funeral  
Committee.

**18.-(1)** There shall be established the National Funeral Committee whose chairperson shall be the Second Vice President.

(2) Members of the National Funeral Committee shall be:

- (a) Minister responsible for National Leaders funerals who shall be the Vice Chairperson;
- (b) Minister of State, President's Office and Chairman of the Revolutionary Council;
- (c) Minister responsible for Regional Administration and Special Departments;
- (d) Director responsible for Foreign Affairs in Zanzibar;
- (e) Heads of Defence and Security Forces of United Republic Government who are in Zanzibar;
- (f) Heads of Special Departments of the Government;
- (g) Minister responsible for Finance;
- (h) Minister responsible for Information; and
- (i) Secretary of the Revolutionary Council and Chief Secretary;





(3) Principal Secretary of the Ministry responsible for State Leaders' funerals shall be the Secretary of the National Funeral Committee.

(4) Without prejudice to subsection (1) of this section, there shall be a secretariat of the National Funeral Committee that shall be chaired by the Principal Secretary of the Ministry responsible for State Leaders' or Government Leaders funerals and the Director of the Department of National Festival and Celebration shall be the secretary.

(5) Provided that where the Second Vice President assumes the function of the President the Minister responsible for the Second Vice President office shall be chairperson of the National Funeral Committee.

Functions  
of National  
Funeral  
Committee.

**19.** The National Funeral Committee shall have the following functions:

- (a) to administer all arrangements of the funeral of State Leaders, Top Leaders and Government Leaders;
- (b) to give information to the President from time to time relating to different incidence regarding the funeral;
- (c) to approve the budget for funeral activities;
- (d) to receive directives from the President and deliver them to the Executive Funeral Committee;
- (e) to direct the Executive Funeral Committee in coordinating the funeral activities;
- (f) to receive and discuss information and recommendations from the Executive Funeral Committee;
- (g) to communicate with the family of the deceased concerning funeral procedure; and
- (h) To receive the funeral report and submit it to the Government.

Executive  
Funeral  
Committee.

**20.-(1)** There shall be established the Executive Funeral Committee which shall be chaired by the Secretary of the Revolutionary Council and Chief Secretary.

(2) Members of the Executive Funeral Committee shall be:





- (a) Principal Secretary of the President's Office and Chairman of Revolutionary Council who shall be the Vice Chairperson;
  - (b) Heads of Defense and Security Forces of the Government of the United Republic of Tanzania who are in Zanzibar;
  - (c) Heads of Special Departments of the Government;
  - (d) Head of foreign affair in Zanzibar;
  - (e) Principal Secretary of the Ministry responsible for Finance;
  - (f) Principal Secretary of the Ministry responsible for Communication and Transportation;
  - (g) Principal Secretary of the Ministry responsible for Regional Administration and Special Departments;
  - (h) Clerk of the House of Representatives;
  - (i) Principal Secretary of the Ministry responsible for Information;
  - (j) Chief Court Administrator; and
  - (k) Religious leader of the deceased in Zanzibar.
- (3) Principal Secretary of the Ministry responsible for State Leaders' funerals shall be the Secretary of the Executive Funeral Committee.

Functions  
of Funeral  
Executive  
Committee.

**21.** The Funeral Executive Committee shall have the following functions to:

- (a) prepare and submit the budget to the National Funeral Committee;
- (b) make the funeral plans and managing the funeral activities;
- (c) give directives to other committee or committees established by the Minister regarding the funerals;
- (d) prepare the programme of the funeral activities;
- (e) submit information on funeral activities to the National Funeral Committee; and





(f) prepare funeral report.

Other committees.

**22.** The Funeral Executive Committee may establish other committees as it deems necessary.

Place, type of burial and Will.

**23.**-(1) The family of the deceased shall decide on the place of burial and if the deceased has left the will on where or how he should be buried.

(2) Without prejudice to the provisions of subsection (1) of this section, the National Funeral Committee shall arrange and put in place funeral procedure for the State Leader whereby some Government funeral procedure shall be performed.

(3) The State leader may, when he deems necessary, write down his will concerning his funeral and submit a copy to the office of the Chief Secretary.

(4) The will left by the deceased shall be written by deceased himself during his life time and the copy thereof shall be submitted to the Office of the Secretary of the Revolutionary Council and Chief Secretary.

Procedure of paying the last respect.

**24.**-(1) The bier of the deceased State Leader who died in the Office or retired, Top Leader or the Government Leader who died in the office shall be kept at the place where the National Funeral Committee decides for the public to be able to pay their last respect led by the leaders of main religions present in Zanzibar.

(2) The period of paying the last respect shall depend on the religion, will of the deceased and decision of the National Funeral Committee, but it shall not exceed three days.

(3) The bier of the deceased body shall be taken from the place of last respect to the place of worship and then be taken to the place of burial.

#### **PART FOUR FINANCIAL REQUIREMENTS FOR STATE, TOP OR GOVERNMENT LEADER FUNERAL**

Funds for Funerals the State Leader, Top Leader or Government Leader.

**25.** The funds for funeral activities of the State Leader, Top Leader who or Government Leader, are mentioned in this Act shall come from the Consolidated Fund in the following order:

(a) The Secretary of the National Funeral Committee shall submit the application of fund to the Principal Secretary of the Ministry responsible for Finance with regard to the activities to be done; and





- (b) The Principal Secretary of the Ministry responsible for Finance shall provide the funds and be used as imprest.

Expenditure of the funds.

**26.** -(1) The funds requested from the Consolidated and shall be used for:

- (a) transporting the body of the deceased and other things needed for the burial; and
- (b) expenditure of all requirements for the funeral of the State Leader, Top Leader or Government Leader.

(2) All expenditure shall be conducted in accordance with the provisions of the Public Finance Management Act and Public Procurement and Disposal of Public Assets Act or any other law.

#### **PART FIVE MISCELLANEOUS PROVISIONS**

Invitation.

**27.** The Chairperson of the National Funeral Committee or the Chairperson of the Funeral Executive Committee may invite any person to participate in that Committee as he deems necessary.

Offences relating to name, photograph, Statue or portrait of State Leader.

**28.** A person who uses name, photograph, statue or portrait of State Leader for business purposes without the permission of the Minister commits an offence, and shall, upon conviction, be liable to a fine of not less than Two Million Tanzania Shillings or imprisonment for a period of six months or both such fine and imprisonment.

False Information.

**29.** Any person who provides false information concerning the death of State Leader commits an offence and shall, upon conviction, be liable to a fine of not less than Two Million Tanzania Shillings or imprisonment for a term of twelve months or both fine and imprisonment.

Offence relating to transfer, destruction, removal, disfigure or damage of document, material or object.

**30.** Any person who, without the consent or permission of the deceased's relatives:

- (a) removes document, material or object;
- (b) transfers or exports document, material or object;
- (c) steals document, material or object;





- (d) disfigures, damages or destroys document, statue or portrait, material or object;
- (e) sells document, material or object; or
- (f) reproduces document, material or object;

related to State Leader, Top Leader or Government Leader commits an offences and shall, upon conviction, be liable to a fine of not less than Two Million Tanzania Shillings or imprisonment for a period of six months or both such fine and imprisonment.

General penalty.

**31.** A person who contravenes any provisions of this Act for the penalties which are not specified, commits an offence and shall, upon conviction, be liable to a fine of not less than Three Million Tanzania Shillings or to imprisonment not less than one year or to both such fine and imprisonment.

Regulations.

**32.**-(1) The Minister may make regulations for the better carrying out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may make regulations:

- (a) prescribing procedure for local and foreign institutions to be given name of State Leader under section 5 of this Act.
- (b) prescribing procedure for establishment and management of Special Museum established under section 3 of this Act.
- (c) prescribing procedures for collection, preservation, or disposal of records and other materials as established under section 6 and 7 of this Act.

Repeal and saving.

**33.**-(1) The National Leaders Act, No. 10 of 2002 is hereby repealed.

(2) Notwithstanding the repealed Act under subsection (1) of this section, anything done or action taken under the provisions of the repealed Act, shall be deemed to have been done under the provisions of this Act.

**PASSED** by the House of Representatives of Zanzibar on 18<sup>th</sup> September, 2019.

(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar.*