



**AN ACT TO ESTABLISH THE OFFICE OF THE GRAND MUFTI OF ZANZIBAR
AND PROVIDE FOR PROPER SUPERVISION OF ISLAMIC AFFAIRS
AND OTHER MATTERS RELATED THERETO**

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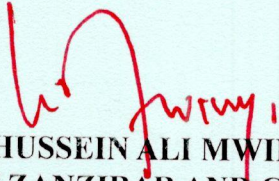
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ACT NO. 4 OF 2021

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{DR. HUSSEIN ALI MWINYI}
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

.....12 October, 2021

**AN ACT TO ESTABLISH THE OFFICE OF THE GRAND MUFTI OF ZANZIBAR
AND PROVIDE FOR PROPER SUPERVISION OF ISLAMIC AFFAIRS IN ZANZIBAR
AND OTHER MATTERS RELATED THERETO**

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 Office of the Grand Mufti of Zanzibar Act, 2021 and shall come into operation immediately upon being assented to by the President.

Interpretation.

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

“Committee” means the Disciplinary Committee established under section 15 of this Act;

“Council” means a Council of Ulamaa established under section 12 of this Act;

“Deputy Grand Mufti” means a person appointed under the provisions of section 10 of this Act;



- “Executive Secretary” means the Executive Secretary of the Office of the Grand Mufti of Zanzibar appointed under section 16 of this Act;
- “Fat-wa” means a final solution given by the Grand Mufti in Islamic perspective for public interest to any controversial or overlapping issues brought before him or otherwise;
- “Government” means the Revolutionary Government of Zanzibar;
- “Grand Mufti” means a person appointed under the provisions of section 6 of this Act;
- “Islamic groups” means Islamic groups which are not registered as the Islamic Non-Governmental Organizations and includes hosanna, exorcist groups, dufu and the like;
- “Lecture” means the gathering of people with the aim of listening or discussing Islamic issues;
- “Lecturer” means a main speaker or presenter at the gathering of people with the aim of listening and discussing Islamic issues;
- “Maahad” means a college that offers Islamic education in a formal system from the level of primary, secondary up to diploma;
- “Minister” means the Minister responsible for matters relating to Grand Mufti’s Office;
- “Office” means the Office of the Grand Mufti of Zanzibar as established under section 3 of this Act;
- “President” means the President of Zanzibar and Chairman of the Revolutionary Council;
- “Shura” means a meeting or session of Ulamaa to discuss anything affecting Islamic religious issues;
- “Ulamaa” means a Muslim scholar having adequate knowledge of various Islamic religious matters and arabic language.



PART TWO
THE ESTABLISHMENT, ADMINISTRATION AND STATUS OF
THE OFFICE OF GRAND MUFTI

Establishment
of the Office.

3.-(1) There is hereby established an Office to be known as the Office of the Grand Mufti of Zanzibar.

- (2) The Office shall be independent and having common seal.
- (3) The common seal shall be used in a manner provided by the Grand Mufti.
- (4) The Office may establish sub - offices in Districts where a need arises.

Functions of
the Office.

4.- (1) The Office shall have the functions to:

- (a) conduct research on Islamic matters;
- (b) receive issues that need fa-twa, answers or directives in accordance with this Act;
- (c) give Islamic directives for public interest;
- (d) coordinate and supervise preparation of lectures, workshops, seminars and other Islamic activities;
- (e) coordinate Islamic research works prepared by the Government or private institutions or any person;
- (f) coordinate, register and regulate records and the management of ulamaas, mosques, madrasa, maahad, institutions, Islamic groups and Islamic societies;
- (g) recommend the registration of Islamic societies in accordance with law governing non - governmental organizations;
- (h) approve Muslim lecturers from outside Zanzibar after being satisfied with their purpose, capability and ethics;
- (i) control and approve the importation, distribution of Islamic books and translation of Islamic books in any way;
- (j) coordinate Islamic anniversaries or feasts and announce the sighting of a new moon in accordance with this Act.



(2) The Office may implement, coordinate or supervise all matters conferred to it in accordance with Act.

Laws applicable to the Office. 5. The Office shall conduct, coordinate or regulate its functions in accordance with Islamic laws, this Act, other applicable laws and Regulations made under this Act.

Appointment of Grand Mufti. 6.-(1) There shall be a Grand Mufti of Zanzibar who shall be appointed by the President after consultation with the Council.

(2) The Grand Mufti shall be paid remuneration and other benefits as shall be approved by the President.

Qualifications of the Grand Mufti. 7. A person shall qualify to be appointed as the Grand Mufti if that person:

- (a) is a Zanzibari, male, muslim person of sound integrity and whose age is not less than forty years old;
- (b) has an adequate Islamic knowledge including Qur-an, Sunna and Islamic jurisprudence;
- (c) is respectful and accepted among Islamic scholars and Muslim community in general;
- (d) is non-aligned in any political party.

Status of the Grand Mufti. 8. The Grand Mufti shall be:

- (a) the Supreme Muslim Cleric in Zanzibar and responsible for issuing "fat-wa", performing and supervising other Muslim religious affairs; and
- (b) by virtue of his status, or any person authorized by him on his behalf, a Chief Spokesperson and Representative for all religious matters of Zanzibar Muslims local or abroad.

Functions of the Grand Mufti. 9.-(1) The Grand Mufti shall have the functions to:

- (a) issue "fat-wa" on any matter in accordance with Islamic perspective;
- (b) make resolutions and issue Islamic directives in accordance with this Act; and



(c) announce the sighting of a new moon.

(2) The Grand Mufti shall perform his functions under this section in consultation with the Council.

(3) Without prejudice any provisions of this Act, if the Grand Mufti is absent or by any other reason, is unable to perform his functions, the Deputy Grand Mufti shall perform functions and exercise all powers of the Grand Mufti.

Appointment
of the Deputy
Grand Mufti.

10.-(1) There shall be a Deputy Grand Mufti of Zanzibar who shall be appointed by the President.

(2) The qualifications and conditions for the appointment of the Grand Mufti shall be applied the same to the appointment of the Deputy Grand Mufti.

(3) The Deputy Grand Mufti shall be a Chief Assistant to the Grand Mufti.

Tenure of the
Office and
immunity.

11.-(1) The Grand Mufti or Deputy Grand Mufti shall hold his post unless:

(a) his appointment is terminated by the President;

(b) died; or

(c) resigned.

(2) The President shall, in exercising his powers under subsection (1) (a) of this section, consider the recommendations given by the Investigation Committee to be established by him to investigate and state the reason on whether the Grand Mufti or the Deputy Grand Mufti to be removed from the Office or not.

(3) The President shall, in the establishment of the Investigation Committee referred to in subsection (2) of this section, consider Islamic scholars.

Establishment
of the Council.

12.-(1) There is hereby established an advisory organ to the Grand Mufti to be known as Council of Ulamaa in Zanzibar.

(2) The Council shall be composed of:

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

(b) Chief Kadhi;



- (c) Deputy Grand Mufti;
- (d) Deputy Chief Kadhi;
- (e) Executive Secretary of Wakf and Trust Commission;
- (f) One "Sheikh" from each District; and
- (g) Other two members basing to their Islamic sects.

(3) Members mentioned in subsection (2) (f) and (g) shall be appointed by the Grand Mufti basing to their experience, education and knowledge relating to Islamic matters.

(4) Executive Secretary shall be the Secretary to the Council.

(5) The procedure of the meeting, tenure of the office of members and other matters relating to conducting the meeting of the Council shall be as prescribed in Regulations made under this Act.

(6) The Grand Mufti may invite any person to attend a meeting on the view of giving his recommendations on a matter on deliberation.

Cessation of membership in the Council. **13.** Member mentioned in subsection (2)(f) and (g) of section 12 shall cease to be a member of the Council if he:

- (a) died;
- (b) resigned;
- (c) disables to perform his duties; or
- (d) is removed from the Office by the Grand Mufti for misconduct or disqualify for the appointment as a member.

Duties of the Council. **14.**-(1) The Council shall advise the Grand Mufti on Islamic matters presented before him for obtaining "fat-wa" and discharge any other duty as shall be directed by Grand Mufti.

(2) The solution of the Grand Mufti upon advice of the Council on giving "fat-wa" shall be final and conclusive.



Establishment
of Disciplinary
Committee.

15.-(1) There is hereby established a Disciplinary Committee in the Office of the Grand Mufti in Zanzibar and the Executive Secretary shall be its Chairperson.

(2) The Grand Mufti shall appoint three members of the Disciplinary Committee who are not from among the members of the Council.

(3) Functions, qualifications of the Members of the Ethic Committee and proceduces of the meeting, shall be as prescribed the regulations made under this Act.

Executive
Secretary and
qualifications.

16.-(1) There shall be Executive Secretary of the Office who shall be appointed by the President.

(2) A person shall qualify to be appointed as the Executive Secretary if that person:

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

Functions and
powers of the
Executive
Secretary.

17.-(1) The Executive Secretary shall be the Chief Executive Officer and Accounting Officer of the Office.

(2) The Executive Secretary shall be responsible for the execution and supervision of day to day activities of the Office including:

- (a) supervision of staff, financial matters and other business;
- (b) preparation of work plans, budget and other administrative matters;
- (c) coordination of all shuras of the Council;
- (d) preservation and keeping all records of "fat-wa" issued by the Grand Mufti;



- (e) registration of all “fat-wa” issued by the Grand Mufti;
- (f) publication of all “fat-wa” in the Official Gazette;
- (g) preparation of various reports as may be required in accordance with the applicable laws; and
- (h) performance of any other function of the office in accordance with this Act.

Office
Coordinator
in Pemba.

18.-(1) There shall be a Coordinator of the Office in Pemba who shall be appointed by the Grand Mufti.

(2) The Coordinator appointed under subsection (1) of this section, shall be Chief Assistant of the Executive Secretary in Pemba and responsible to the Executive Secretary in the execution of functions of the Office.

Departments,
Divisions
and Units.

19. The Office may establish Departments, Divisions and Units in accordance with the Public Service Act.

Officers and
other Staff.

20. The Office may employ such officers and other staffs as may be required in accordance with the Public Service Act for the purpose of executing the functions of the Office.

PART THREE “FAT-WA”

Issues to be
given
“fat-wa”.

21. The Grand Mufti shall have a duty to provide “fat-wa” or answers by interpreting Islamic provisions according to the Islamic law arguments on matters including ideology, worship, transactions, marriage, divorce, inheritance, will, gift and the like which will be presented or asked by any person or entity.

Matters of
Contingency
in the Country.

22. The Grand Mufti shall have a duty to provide “fat-wa” on any emergent or contingent matter submitted to him, in any procedure, which relates to any Islamic question or matter arised in the country, community or other matter that needs to be resolved.

Duty to
respond to
Questions.

23. It is the duty of the Office to educate people and provide them with “fat-wa” or answers in response to the needs of clarification and interpretation of Islamic provisions.



Status of the
“fat-wa”.

24.-(1) Any particular “fat-wa” given by the Grand Mufti on any issue shall be a mandate applicable in Zanzibar for that particular issue.

(2) Subject to provisions of subsection (1) of this section, such “fat-wa” shall be pronounced, written and signed by the Grand Mufti.

(3) The Office shall record, register, and publish such “fat-wa” in the Official Gazette and make publication through mass media.

PART FOUR COORDINATION AND SUPERVISION OF ISLAMIC ACTIVITIES

Settlement.

25.-(1) The Office shall be responsible to settle any dispute in the event between:

- (a) Muslims;
- (b) Muslims and non - Muslims;
- (c) Religious groups and various institutions.

(2) In the event of settling the dispute mentioned under subsection (1) (b) and (c) of this section, the Office may collaborate with leaders of such other religions and various institutions.

(3) The Office may set procedures of submitting any matter for settlement under this Act.

Coordination
for research.

26. The Office shall conduct, coordinate, or collaborate with public or private institutions or any person in conducting research in Zanzibar on any Islamic matter.

Religious
permits and
recommenda-
tion of tax
exemption.

27. The Office may provide permits and recommendations in matters relating to Islamic religion including:

- (a) permits for fund raising for medical assistance, construction, maintenance of mosques, madrasa, maahad and the like;
- (b) recommendations to the responsible authorities, for the tax exemption for any importation of equipments or other things to be used for religious activities in Zanzibar.



Control of books and works of Islamic arts.

28. It shall be a duty to the Office to control and approve the importation, distribution, translations and use of all Islamic books and works of Islamic arts.

Guidelines and Curriculum.

29.-(1) The Office shall collaborate with the Ministry responsible for education in developing and promoting guidelines and curriculum for Islamic religious education for schools and colleges in Zanzibar.

(2) The Office may, in collaboration with the Ministry responsible for education, set guidelines of teaching in madrasa and maahad in Zanzibar.

Coordination of people converted into Islam.

30. The Office shall set procedures of providing certificates to certify person converted into Islam.

Coordination and registration of madrasa, maahad and mosques.

31.-(1) The Office shall register all madrasas, maahad and mosques in Zanzibar.

(2) The Office shall coordinate and supervise the activities of all madrasa, maahad and mosques in Zanzibar and give directives.

(3) The Office may revoke the registration of any madrasa, maahad or mosque under this section, if its management fails to comply with this Act, Regulations, guidelines or directives given.

(4) A person who is aggrieved by the decision made under this section, may appeal to the Minister;

(5) The Minister may make Regulations regarding procedures for appeal under this section.

Recognition of Maahad.

32.-(1) The Office shall have the power to identify, certify and issue certificate of registration to all maahad and their academic levels in Zanzibar.

(2) The Office shall, in collaboration with the Ministry responsible for education, secure the official recognition of the maahad and their educational levels within Tanzania.

Islamic non-governmental organizations.

33.-(1) Notwithstanding other provisions under the law governing Non-Governmental Organizations, any Islamic Non-Governmental Organization shall not be registered in Zanzibar before obtaining the written recommendations from the Office.



(2) The provisions of subsection (1) of this section shall apply to the local, regional and international Islamic Non-Governmental Organizations.

Zanzibar
Muslim
lecturer.

34.-(1) A Zanzibar Muslim lecturer shall not conduct public lecture outside the mosque without obtaining a written consent from the Office.

(2) The Office may provide a written consent to any of the Zanzibar Muslim lecturer after being satisfied with his ability and ethics.

A Muslim
lecturer
from outside
of Zanzibar.

35.-(1) A Muslim lecturer from outside Zanzibar shall not conduct a public lecture without obtaining a written consent from the Office.

(2) The Office may provide a written consent to any Muslim lecturer from outside Zanzibar after being satisfied with his ability and ethics.

(3) The lecture mentioned in this section includes the lecture to be conducted inside or outside of the mosque or on the radio or television.

Types of
consents.

36.-(1) The Office may provide permanent or temporary written consent to any of the Zanzibar Muslim Lecturer after being satisfied with his ability and ethics.

(2) There shall be no permanent consent to be provided in any way to any Muslim lecturer from outside Zanzibar.

Coordination
of various
activities.

37.-(1) The Office shall coordinate and supervise preparation of lectures, workshops, seminars, conferences and other Islamic activities in Zanzibar.

(2) A person shall not conduct any of the activity under subsection (1) of this section, without giving notification and be accepted in writing by the Office.

Islamic groups.

38.-(1) The Office may coordinate and supervise the Islamic groups in Zanzibar and give guidance when it is necessary to do so.

(2) The Office shall register and keep records of all Islamic groups in Zanzibar.

Permission to
start first
Friday prayer.

39. The Office shall have the sole authority of permitting to start the first Friday prayer in Zanzibar mosques.

Registration of
Ulamaa.

40.-(1) The Office shall register and maintain the records of all Ulamaa in Zanzibar.

(2) The Office shall set procedures for registration of Ulamaa in Zanzibar.



National
Islamic
ceremonials.

41.-(1) The Office shall coordinate the following Islamic ceremonials:

- (a) National Iddi prayer and “Baraza la Iddi”;
- (b) National Birthday ceremony of the Prophet Muhammad (Peace be upon him); and
- (c) any other Islamic ceremony as the Government may permit the coordination of the Office on that regard.

(2) The Office may establish a Committee for efficiency of all ceremonies mentioned under this section.

(3) All National Islamic Ceremonies in Zanzibar shall be confirmed by the Office only.

PART FIVE POWERS OF THE OFFICE

Powers and
jurisdiction of
the Office.

42. For the purpose of efficiency and effectiveness of the execution of its functions, the Office may:

- (a) summon any person or body of persons or institution for the purpose of settling any religious dispute or any matter under its jurisdiction;
- (b) give orders, prohibitions, directives or conditions on any matter under its jurisdiction;
- (c) grant or cancel the permanent or temporary consent for any Islamic activities including ijtimai, lectures or any Islamic gathering in Zanzibar;
- (d) prohibit or forbid from practicing either Zanzibar Muslim lecturer or lecturer from outside Zanzibar when it is satisfied that, such lecturer is unqualified or lack ability on Islamic matters or ethics, or he threatens to violate peace and stability;
- (e) prohibit or prevent local teacher or teacher from outside Zanzibar of madrasa or maahad to teach or participate in such madrasa or maahad activities when it is satisfied that such teacher:
 - (i) has no moral turpitude;



- (ii) violates Islamic ethics;
- (iii) is suspected or alleged of child or women abuse or molestation;
- (iv) is unqualified or lacks ability on Islamic matters; or
- (v) threatens to violate peace and stability;
- (f) close or temporarily change the use of premise of mosque, madrasa or maahad in case of break of peace or violation of Islamic ethics; and
- (g) issue statement admonish or rebuke on any matter that affects Muslims' emotions.

Communication with other similar Offices.

43. The Office may communicate with other similar offices in the Country, Zonal and International for the purposes of strengthening relationship, exchange experience, knowledge and new ideas relating to various Islamic matters.

Joining in any zonal or international Islamic organizations.

44. The Office may, upon the approval by the Minister, join with any Zonal or International Islamic Organization which deals with Islamic developments.

PART SIX OFFENCES AND PUNISHMENTS

Offences and punishments.

45. A person who:

- (a) interferes with the functions of the Office prescribed under this Act;
- (b) neglects or fails to comply with the summons of the Office without reliable justification;
- (c) neglects or fails to comply with order, prohibition, directives or conditions given under this Act; or
- (d) conducts public Islamic activities including ijtimai, lectures or any Islamic gathering in open or public space or outside the mosque in Zanzibar without consent given by the Office,

commits an offence and upon conviction:



- (i) his licence or permit shall be revoked; or
- (ii) shall be liable to a fine of not less than Three Hundred Thousand Tanzanian Shillings and not exceeding One Million Tanzanian Shillings or shall be liable to imprisonment for a term of not less than six months but not exceeding one year or both such fine and imprisonment.

General
Punishment.

46. A person who contravenes any provision of this Act or commits an offence which has no specific punishment under this Act, upon conviction shall be liable to a fine of not less than Three Hundred Thousand Tanzanian Shillings but not exceeding One Million Tanzanian Shillings or to imprisonment for a term of not less than three months and not exceeding six months or both such fine and imprisonment.

PART SEVEN FINANCIAL PROVISIONS

Funds of the
Office.

47. The funds and other resources of the Office shall consist of:

- (a) money appropriated by the House of Representatives for the purpose of the Office;
- (b) loans or grants received by the Office for its activities; and
- (c) any other funds as may be legally acquired by the Office.

Budget.

48.-(1) The Office shall, not less than two months before the end of each financial year, prepare and submit to the Minister an annual budget for approval showing estimates of its revenues and expenditures for the following financial year.

(2) Subject to the provisions of the Public Finance Management Act, the Office may, at any time before the end of the financial year, prepare and submit to the Minister for approval any estimates supplementary to the budget of the respective financial year.

Accounts and
audits.

49.-(1) The Office shall keep accounts and records of all transactions and ensure that all money received or paid by the Office is properly accounted for.

(2) The annual financial statements of the Office shall be audited by the Controller and Auditor General.

Annual Report.

50.-(1) The Office shall, within seven months after the end of each financial year, prepare or cause to be prepared and submit to the Minister an Annual Report.



(2) The annual report under subsection (1) of this section, shall provide detailed information regarding the activities of the Office during that financial year which it relates, and shall include:

- (a) copy of audited financial statements of the Office together with the auditor's report;
- (b) performance report of the Office of that financial year; and
- (c) such other substantial information of the Office as required by this Act.

(3) For public access to information, upon approval by the Minister, the annual report of the Office shall be published.

PART EIGHT MISCELLANEOUS PROVISIONS

Cross
cutting works.

51. Without prejudice to the functions and duties referred to in this Act or any other applicable laws, the Office may do any other thing that is appropriate and relevant to achieve the objectives of this Act.

Regulations.

52.-(1) The Minister may make Regulations for the efficiency and effective implementation of this Act.

(2) Without prejudice to the generality of the provisions under subsection (1) of this section, the Minister may make Regulations prescribing:

- (a) procedures of conducting of Council's meetings;
- (b) procedures of coordinating Islamic anniversaries or feasts;
- (c) any other regulations for the effective implementation of this Act.

(3) Regulations and Directives under this Act shall be published in the Official Gazette.

Codes of
conduct and
Guidelines.

53.-(1) The Grand Mufti may make codes of conduct and set guidelines for the effective implementation of the provisions under this Act.



(2) Without prejudice to the generality of the provisions under subsection (1) of this section, the Grand Mufti may specifically issue guidelines in relation to the manner and procedures:

- (a) to be followed before and after issuance of “fat-wa” or answers and elaboration on Islamic matters;
- (b) recognition and qualifications used to identify Ulamaa of Zanzibar;
- (c) announcement of new moon sighting;
- (d) settlement, issuance of Islamic guidelines and the manner of creating good relation within the society;
- (e) coordination, registration and management of functions of operating mosques, madrasa, maahad, institutions, Islamic groups and organisations prescribed under this Act; and
- (f) any other guidelines that assist the effective implementation of this Act.

Repeal and savings.

54.-(1) The Establishment of the Office of the Mufti Act, No. 9 of 2001 is hereby repealed.

(2) Notwithstanding the repeal under subsection (1) of this section, anything done under the repealed Act shall be deemed to be done under this Act.

PASSED by the House of Representatives of Zanzibar on 9th September, 2021.

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(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.