



AN ACT TO REPEAL THE PERSONS WITH DISABILITIES (RIGHTS AND PRIVILEGES) ACT, NO. 9 OF 2006 AND TO ENACT THE ACT WHICH PROVIDES PROVISIONS RELATING TO PERSONS WITH DISABILITIES AND OTHER MATTERS RELATED THERETO

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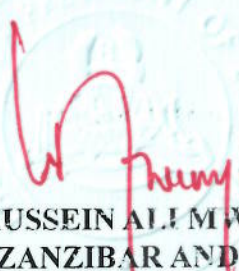
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ACT NO. 8 OF 2022

I ASSENT


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

.....22 December....., 2022

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RELATED THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and commen-
cement.

1. This Act may be cited as the Persons with Disabilities Act, 2022 and shall come into operation upon being assented to by the President and published in the Gazette.

Interpretation.

2. In this Act unless the context otherwise requires:

“Concealment of a Person with Disability” means placing or detaining a Person with a Disability aiming to separate him from society for fear of embarrassment or for any other reason which is unlawful that would lead to that person being deprived of his rights or privileges;

“Council” means the Zanzibar National Council for Persons with Disabilities established under the provisions of this Act;



“Disability” means a physical, mental, or sensory impairment which, in interaction with various barriers, may hinder Persons with Disability’s full and effective participation in society on equal basis with others;

“Disability District Council” means District Council of Persons with Disabilities established under the provisions of this Act;

“Discrimination of a Person with Disability” means to treat a Person with Disability differently from others through exclusion or creating barriers on the basis of his disability for the purpose of impairing, weakening or invalidating his or her identity, rights, privileges or prestige;

“Executive Secretary” means the Executive Secretary of the Council appointed under the provisions of this Act;

“Fund” means the Zanzibar Development Fund for Persons with Disabilities established under the provisions of this Act;

“Government” means the Revolutionary Government of Zanzibar;

“Mainstreaming” means consideration of disability issues on the implementation of sectoral plans to achieve the inclusion of Persons with Disabilities;

“Minister” means the Minister responsible for the issues of the Persons with Disabilities;

“Organizations of Persons with Disabilities” means an organization formed by Persons with Disabilities or for Persons with Disabilities;

“Person with Disability” means a person who has physical, mental or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

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

“Protection” means care and other services provided to Persons with Disabilities.



PART TWO
ESTABLISHMENT, MANAGEMENT AND ADMINISTRATION
OF THE COUNCIL

Establishment of the Council.

3.-(1) There is established the Council to be known as the Zanzibar National Council for Persons with Disabilities.

(2) The Council shall be a semi-autonomous body of the Government and in its name shall have the power to:

- (a) acquire, purchase, hold and dispose any movable or immovable property of the Council; and
- (b) perform or do anything which the Council by its nature may perform in accordance with this Act.

Seal and Logo of the Council.

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

(2) The use of the seal and logo of the Council in any document shall be authenticated by the signature of the Executive Secretary.

(3) Any document purporting to be an instrument issued by the Council shall be sealed by the Council and authenticated in accordance with the provisions of subsection (2) of this section.

Composition of the Council.

5.(1) The Council shall be composed of:

- (a) the Chairperson who shall be appointed by the President;
- (b) Principal Secretary from the Ministry responsible for issues of Persons with Disabilities;
- (c) Principal Secretary from the Ministry responsible for issues of education;
- (d) Principal Secretary from the Ministry responsible for issues of health;
- (e) Principal Secretary from the Ministry responsible for issues of road transport;
- (f) Chairperson of the National Umbrella Organization for Persons with Disabilities;



- (g) one member who is a student with a Disability from organization of students with Disabilities registered in Zanzibar or from one of the Higher Learning Institutions in Zanzibar recognised by the Government;
- (h) not more than three members from the Organizations of Persons with Disabilities represented across the country according to the categories of disabilities; and
- (i) two members from the private sector.

(2) Members under paragraphs (h) and (i) of subsection (1) of this section, shall be appointed by the Minister based on experience, knowledge, professionalism, integrity and gender after consultation with the relevant institution.

(3) The Executive Secretary shall be the Secretary to the Council.

“For the purposes of this section, the National Umbrella Organisation for Persons with Disability means a Voluntary Association of the Organisation of Persons with Disability for Person with Disability established in accordance with the Laws of Zanzibar”.

Functions of
the Council.

6. The Council shall have the following functions, to:

- (a) supervise, coordinate and implement issues of Persons with Disabilities;
- (b) protect, promote and defend the rights and privileges of Persons with Disabilities;
- (c) promote collaboration and networking with individuals, local and international institutions in empowering Persons with Disabilities;
- (d) in collaboration with the Ministry responsible for education, provide guidelines on usage and training of sign languages and other language used by Persons with Disabilities;
- (e) conduct or encourage research related to the issues of Persons with Disabilities;
- (f) establish a mechanism to monitor the implementation of the activities of the Disability District Council;



- (g) raise funds for the development of the Fund;
- (h) supervise the implementation of the Fund; and
- (i) perform any other function as may be prescribed by this Act.

Powers of
the Council.

7. The Council shall have the power, to:

- (a) enter or cause to be entered into public premises, public transport and other places for inspection for the purpose of the implementation of the provisions of this Act;
- (b) in collaboration with relevant authority, restrain or cause to be restrained any act that violates or implies to violate the fundamental rights of Persons with Disabilities;
- (c) in collaboration with relevant authority, take action or cause action to be taken against any institution or person who contravenes the provisions of this Act;
- (d) cause a review or revision of policies or laws governed by various sectors that contradict with the provisions of this Act; and
- (e) take any other action as prescribed by this Act.

Qualifications
of the
Chairperson.

8. A person shall qualify to be appointed as a Chairperson of the Council if:

- (a) is a Zanzibari;
- (b) is a Person with Disability;
- (c) has at least a secondary education;
- (d) has at least five years of experience in the issues of Persons with Disabilities and human rights; and
- (e) has a highest degree of integrity.

Vice-
Chairperson.

9. The members of the Council shall elect one among them to be a Vice- Chairperson.



Allowances of the members.

10. The Chairperson and other members of the Council shall be entitled to be paid allowances in accordance with the Public Service Act and other relevant laws.

Committees of the Council.

11. The Council may form Committees to carry out specific functions as may deem necessary.

Tenure of the Members of the Council.

12. Except for an ex - official member, the Chairperson and other members of the Council shall hold an office for a term of three years from the date of their appointment and may be eligible for re-appointment for another term only.

Cessation of membership.

13. The member shall cease to hold office upon the occurrence of one of the following:

- (a) resignation;
- (b) if he is absent without reasonable excuse for three consecutive meetings of the Council;
- (c) if he is unable to perform his duties by reasons of physical or mental health;
- (d) to be terminated by the Minister for failing to meet the expectations of the Council;
- (e) if a member ceases to be a representative of the institution that proposed him; or
- (f) death.

Delegation functions of the Council.

14.-(1) The Council may, if deems fit for the proper discharging of its functions, delegate some of its functions to the Executive Secretary or to the Committee of the Council.

(2) Where the Council delegates its functions under subsection (1) of this section, it shall give directives in writing as may be necessary to ensure the proper performance of those functions.

Proceedings of the Council.

15. Provisions relating to proceedings of the Council shall be as prescribed in the Schedule of this Act.

Disability District Council.

16.-(1) There is established a Council of Persons with Disabilities in each district to be known as the Disability District Council.



(2) The Disability District Council shall be composed of the following members:

- (a) the Chairperson who shall be appointed by the District Commissioner from among the Chairpersons of the Organizations of Persons with Disabilities in the district;
- (b) one member from private sector;
- (c) Chairpersons of the three Organizations of Persons with Disabilities in the district; and
- (d) two officers from the education and health sectors in the district.

(3) Members under paragraphs (b), (c) and (d) of subsection (2) of this section, shall be appointed by the District Commissioner based on experience, knowledge, professionalism, integrity and gender.

(4) The District Disability Officer shall be the Secretary of the Disability District Council.

Tenure of the Disability District Council.

17. The Chairperson and other members of the Disability District Council shall hold an office for a term of three years from the date of their appointment and may be eligible for re-appointment for another term only.

Functions of the Disability District Council.

18.-(1) The functions of the Disability District Council shall be, to:

- (a) coordinate and implement the issues of Persons with Disabilities at the district level;
- (b) identify Persons with Disabilities and their needs;
- (c) ensure that the issues of Persons with Disabilities are included in the plans and development programmes implemented at the district level; and
- (d) raise awareness on the issues of Persons with Disabilities.

(2) The Disability District Council of Persons with Disabilities shall submit plans and reports of the implementation of its activities to the Council in a quarterly basis.



Proceedings of
the Disability
District
Council.

19.-(1) The Disability District Council shall make its own procedures of the meetings.

(2) The Disability District Council shall meet once in a quarterly basis.

Executive
Secretary of
the Council.

20.-(1) There shall be an Executive Secretary of the Council who shall be appointed by the President.

(2) The Executive Secretary shall be the Chief Executive Officer and shall be Accounting Officer of the Council.

Qualificati-
ons of the
Executive
Secretary.

21. A person shall qualify to be appointed as the Executive Secretary of the Council if he:

- (a) is a Zanzibari;
- (b) has at least a bachelor degree from the University recognized by the Government;
- (c) has at least five years of work experience; and
- (d) has the highest degree of integrity.

Functions of
the Executive
Secretary.

22. The functions of the Executive Secretary of the Council shall be, to:

- (a) carry out the day-to-day activities of the Council;
- (b) administer the implementation of the Council's directives.
- (c) supervise the implementation of the National Policies, Laws and various Guidelines relating to the issues of Persons with Disabilities;
- (d) register and keep records of Persons with Disabilities;
- (e) accredit and keep record of organization of Persons with Disabilities registered in Zanzibar;
- (f) strengthen sectoral, national, regional and international cooperation on the issues of Persons with Disabilities;
- (g) supervise the implementation of policies and regional and international conventions relating to the Persons with Disabilities which Tanzania has ratified; and



(h) perform any other function prescribed in this Act.

Secretariat.

23.-(1) There shall be a Council secretariat constituted by the Heads of Departments, Divisions and Units which shall be headed by the Executive Secretary and shall be responsible for carrying out the day-to-day activities of the Council includes, to:

- (a) carry out the operational activities of the Council;
- (b) prepare implementation plans of the Council's decisions;
- (c) prepared and keeps records of the Council meetings;
- (d) prepare reports; and
- (e) perform any other function as directed by the Council under the provisions of this Act.

(2) Subject to the provisions of subsection (1) of this section, the Council shall establish Departments, Divisions and Units as it deems appropriate in accordance with the provisions of the Public Service Act.

(3) Heads of Departments shall be appointed by the Council based on their qualifications and experience.

(4) Heads of Divisions and Units shall be appointed by the Executive Secretary based on their qualifications and experience.

(5) Heads of Departments, Divisions and Units shall be accountable to the Executive Secretary.

Staff of the Council.

24. There shall be staff of the Council who shall be employed based on the criteria and conditions of the Public Service Act.

PART THREE

REGISTRATION OF PERSON WITH DISABILITIES AND RECOGNIZE ORGANISATIONS OF PERSONS WITH DISABILITIES

Registration procedures.

25.-(1) Any Person with a Disability shall be registered by the Executive Secretary in accordance with the regulations.

(2) Notwithstanding the provisions of any other law, persons who intend to register an organization relating to Persons with Disabilities shall obtain a



recommendation letter from the Council before being registered as Non - Governmental Organization.

Register.

26.-(1) The Council shall establish a Register to keep records of Persons with Disabilities and Organizations of Persons with Disabilities.

(2) The Register shall be under the custody of the Executive Secretary.

Qualifications for Registration.

27.-(1) A Person with Disability shall be registered if he is born or lives in Zanzibar.

(2) An Organization of Persons with Disabilities applying for recognition required:

(a) to have a valid certificate of civil society registration; and

(b) to deal with issues of Persons with Disabilities in Zanzibar.

PART FOUR RIGHTS AND PRIVILEGES

Rights and privileges.

28.-(1) Persons with Disabilities are entitled to all fundamental human rights equal with others including:

(a) right to education, comprising vocational training and social adaptation training on the basis of categories of disabilities;

(b) right to work and employment;

(c) right to health services including treatment, habitation and rehabilitation relating to disabilities;

(d) right to accessible information and communication on the basis of categories of disabilities;

(e) right to live independently and being included in social, economic and political activities; and

(f) right to participate in sports and recreation.

(2) Subject to the provisions of subsection (1)(a) of this section, the Council in collaboration with the institution responsible for education shall ensure:



- (a) Persons with Disabilities have access to education and vocational training at all levels; and
- (b) integration of inclusive education that considers special needs of Persons with Disabilities at all levels of education.

(3) Subject to the provisions of subsection (1)(b) of this section, the institutions responsible for labour and public service shall ensure that they prioritize and deliberate on employment opportunities for Persons with Disabilities in public and private sector.

(4) Ministry and institutions responsible for labour and employment shall ensure the creation of enabling environment empowering Persons with Disabilities to be engaged in employment, self-employment or participate in national, regional and international labour market.

(5) Every employer shall create accessible environment for Persons with Disabilities to work independently.

(6) Subject to the provisions of subsection (1)(c) of this section, the institution responsible for health shall ensure provision of accessible health services required by persons with disabilities.

(7) Ministry and institutions responsible for the administration of information shall ensure accessibility in providing information to Persons with Disabilities.

(8) Any institution or person who violates the rights of Persons with Disabilities shall be liable in accordance with the provisions of this Act or any other relevant law.

(9) Persons with Disabilities shall be given privileges to enable them to access and participate fully and independently in social activities including employment opportunities, higher education and economic empowerment.

Accessibility.

29.-(1) The Council shall ensure accessibility to social, economic, cultural, health, education, information and communication infrastructure to enable Persons with Disabilities to fully enjoy all human rights and fundamental freedoms.

(2) In ensuring accessibility to information and communication, the Council shall encourage the uses of sign languages, braille, usable formats or other languages used for communication of Persons with Disabilities and the uses of assistive communication technology devices.



Duties to protect the rights of Persons with Disabilities.

30. Every person has a duty to implement, protect and defend the rights of Persons with Disabilities including providing information relating to the violation of these rights.

Elimination of Discrimination and Humiliation.

31.-(1) Persons with Disabilities shall not be discriminated or humiliated in any way and at all levels on the basis of their disabilities.

(2) The Council shall establish various programs to prevent discrimination or humiliation including identifying them with unacceptable names, despise ridicule, abuse through social media, beating and gender violence.

PART FIVE MAINSTREAMING AND INCLUSION

Mainstreaming and Inclusion.

32.-(1) Any public or private institution shall ensure:

- (a) mainstreaming and inclusion of issues or special needs of Persons with Disabilities in policies, laws, guidelines, programmes and implementation systems of its functions;
- (b) the services provided are accessible to Persons with Disabilities;
- (c) the provision of extra services needed by Persons with Disabilities in the workplaces; and
- (d) the service delivery procedures consider the special needs of Persons with Disabilities.

(2) The Council shall administer and provide guidelines for monitoring and evaluation for the implementation of the issues of Persons with Disabilities at all levels.

Accessible infrastructure.

33.-(1) The Council shall promote placement of accessible infrastructure in all places specifically used by the public including road, air and marine transport, sports recreation and conference rooms.

(2) The Ministry and institutions responsible for construction shall ensure construction permits are issued after the architecture consider the Guidelines of the Accessible Infrastructure for Persons with Disabilities.



PART SIX THE DEVELOPMENT FUND FOR PERSONS WITH DISABILITIES

- Develop-
ment Fund for
Persons with
Disabilities.
- 34.** There is established Fund to be known as Zanzibar Development Fund for Persons with Disabilities.
- Operation and
Management
of Fund.
- 35.** The Fund shall be operated by the Executive Secretary under the management of the Council in accordance with the procedures and rules of the Public Finance Management Act.
- Sources of the
Fund.
- 36.** The sources of the Fund shall be:
- (a) monies appropriated by the House of Representatives;
 - (b) lawful grants, voluntary contributions or any other contributions that the Council may receive for the purposes of the Fund;
 - (c) monies from development partners; and
 - (d) monies from fund raising activities made by the Council for the development of the Fund of the Persons of Disability.
- Objectives of
the Fund.
- 37.** The Objectives of the Fund are to ensure the availability, improvement, empowerment and well-being of Persons with Disabilities which includes, to:
- (a) provide or contribute to the cost of services include support assistive devices, rehabilitation, education and vocational training, care and other services as required in accordance with the procedures set out by the Council;
 - (b) strengthen the capacity of Persons with Disabilities and Organizations of the Persons with Disabilities; and
 - (c) support socio-economic development initiatives undertaken by Persons with Disabilities for their welfare.
- Auditing of
the Fund.
- 38.** The Fund shall be audited in accordance with the Public Finance Management Act and any other related laws.



PART SEVEN FINANCIAL PROVISIONS

Sources of Fund.

39.-(1) The finances and resources of the Council shall include:

- (a) monies appropriated by the House of Representatives; and
- (b) lawful grant, gift, support or donation as the Council may receive from any person or institution.

(2) All financial transactions of the Council shall be made and governed in accordance with the Public Finance Management Act and any other related law.

Budget of the Council.

40.-(1) The Executive Secretary, each financial year, shall present to the Council for consideration and approval on the detailed estimates of income and expenditure of the Council for the coming financial year.

(2) Estimates of the income and expenditure of the Council shall be prepared in accordance with the provisions and conditions of the Public Finance Management Act and any other guidelines that may be issued by the Government from time to time.

Accounting and Auditing.

41.-(1) The Council shall keep proper records of accounts.

(2) Annual financial report will be audited in accordance with the Public Finance Management Act and other related laws.

PART EIGHT OFFENCES AND PENALTIES

Concealment of a Person with Disability.

42. Any person who conceals a Person with Disability commits an offence and shall, upon conviction, be liable to a fine of not less than Fifty Thousand and not exceeding Five Hundred Thousands Tanzanian Shillings.

False information.

43. Where a person provides a false information for the purpose of being registered or access the opportunities of a Person with Disability, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings and not exceeding Three Millions Tanzanian Shillings or imprisonment for a term of six months or both.

Discrimination against a Person with Disability.

44. Where a person discriminates a Person with Disability by reasons of his disability, commits an offence and shall, upon conviction, be liable to a fine of not



less than One Million Tanzanian Shillings and not exceeding Five Million Tanzanian Shillings.

Humiliation
or oppression
of Person with
Disability.

45. Anyone who humiliates or oppresses a Person with Disability by:

- (a) identifying him with unacceptable name due to the type of his disability;
- (b) imitate by utterances, motions or gestures due to the nature of his disability;
- (c) to despise or ridicule due to his disability;
- (d) to abuse him for the purpose of degrading, recreation or otherwise through social media;
- (e) to use him as a means for personal earning;
- (f) to engage him in a labour for personal income generating without appropriate pay; or
- (g) to do anything for the purpose of humiliating,

commits an offence and shall, upon conviction, be liable to a fine of not less than One Hundred Thousands and not exceeding One Million Tanzanian Shillings or imprisonment for a term of not less than two months or both.

Abandoning
or rejecting a
Person with
Disability.

46. Any person responsible for caring a Person with Disability, if he abandons or rejects him in any way, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million and not exceeding Three Million Tanzanian Shillings or imprisonment for a term of not less than one year or both.

Deny to
employ a
Person with
Disability.

47. Any person who denies to employ a Person with Disability due to his disability contrary to the provisions of this Act, commits an offence and shall, upon conviction, be liable to a fine of not less than Three Million Tanzanian Shillings and not more than Five Millions Tanzanian Shillings.

General
Punishment.

48. Any institution or person, who contravenes any provision under this Act where no specific punishment has been imposed, commits an offence and shall, upon conviction, be liable to a fine of not less than Two Hundred Thousands Tanzanian Shillings and not exceeding two Million Tanzanian Shillings.



PART NINE MISCELLANEOUS PROVISIONS

Instructions
of the
Minister.

49. The Minister may give instructions to the Council in writing for the implementation of the functions of the Council and the Council shall carry out such instructions in accordance with this Act.

Disability
prevention.

50. The Government through its various institutions shall manage and take measures to prevent disability caused by:

- (a) road accidents;
- (b) Disease and other health factors;
- (c) accidents, diseases and industrial disasters; and
- (d) other factors that cause disability.

Punishment
of the
Persons with
Disability.

51. If a Person with Disabilities is convicted of any offence in accordance with the relevant law and sentenced to imprisonment, the punishment given to him shall regard state and type of his disability.

Regulations.

52. The Minister may make regulations for the better implementation of the provisions of this Act, the operation and general administration of the Council.

Repeal and
Saving.

53.-(1) The Persons with the Disabilities (Rights and Privileges) Act, No. 9 of 2006 is hereby repealed.

(2) Notwithstanding the repeal under subsection (1) of this section:

- (a) anything done or should have been done under the repealed Act, except to the extent that it is not contrary to this Act, shall remain valid and shall be considered to have been made under this Act; and
- (b) any act established in the repealed Act that has not yet been completed except to the extent that it is not contrary to this Act, shall be completed and considered to be subject to this Act.



SCHEDULE PROCEEDINGS OF THE COUNCIL

(Under section 15)

Meetings of
the Council

1.-(1) The Council shall meet quarterly and may meet in extra ordinary meetings where deem necessary for the implementation of its functions.

(2) Subject to the provisions of subsection (1) of this section, extra ordinary meetings shall not exceed the regular meetings in a year.

(3) All meetings of the Council shall be chaired by the Chairperson, in his absence, the Vice-Chairperson shall preside over the meetings of the Council and if the Chairperson and Vice-Chairperson are absent, the present members shall appoint a member among themselves to preside the meeting.

Quorum.

2. The quorum in all meetings of the Council shall be more than half of its members.

Decisions of
the Council.

3. The decisions of the Council shall be made by consensus, where there is no such consensus, decisions shall be made by vote and in the event of an equal vote, the Chairperson shall have a casting vote.

Proceedings
of the
Meetings.

4. Subject to the provisions of this Act, the Council shall have the power to regulate its own procedures in respect of the meetings and the proper conduct of its activities including Committees of the Council.

Co-opted
member.

5. The Council may invite any person who is not a member to attend the meeting of the Council as an expert, but the Co-opted member shall not have the right to vote.

Disclosure
of interest.

6.-(1) A Member of the Council who has a direct or indirect personal interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts has come to his knowledge, disclose the nature of his interest at the beginning of the meeting of the Council.

(2) The disclosure of interest shall be recorded in the minutes of the meetings and the member making such disclosure shall not:

(a) be present during the deliberation of the Council for the making the decisions; or

(b) influence any other member in making the decisions.



PASSED by the House of Representatives of Zanzibar on 23rd November, 2022.

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(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.