

ACT No. 6 OF 2009

AN ACT TO REPLACE THE
PROMOTION OF TOURISM ACT,
No. 9 OF 1996 AND TO
ENACT THE ZANZIBAR
TOURISM ACT AND OTHER
MATTERS RELATED THERETO.



THE ZANZIBAR TOURISM ACT NO. 6 OF 2009

ARRANGEMENT OF SECTIONS

SECTIONS	TITLE
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**PART I
PRELIMINARY PROVISIONS**

- | | |
|----|-------------------------------|
| 1. | Short title and Commencement. |
| 2. | Interpretation. |

**PART II
ESTABLISHMENT, FUNCTIONS AND
POWERS OF THE COMMISSION**

- | | |
|-----|--------------------------------------|
| 3. | Establishment of the Commission. |
| 4. | Functions of the Commission |
| 5. | Board of Directors. |
| 6. | Functions of the Board. |
| 7. | Board Committees. |
| 8. | Disclosure of conflicting interests. |
| 9. | Meetings of the Board. |
| 10. | Work Plans. |
| 11. | Director General and Staff. |

**PART III
FINANCIAL PROVISIONS**

- | | |
|-----|-------------------------|
| 12. | Fund of the Commission. |
| 13. | Estimates. |
| 14. | Annual report. |



**PART IV
LICENSING OF TOURISM BUSINESS**

15. Licensing.
16. Issue of licence.
17. Renewal of licence.

**PART V
CONDITIONS AND DUTIES FOR TOURISM
BUSINESS OPERATORS**

18. Operator of hotel and guest House to keep Register and furnish information.
19. Tour operation.
20. Tour guiding.
21. Tourist Vessels
22. Marinas.
23. Diving Centres.

**PART VI
GENERAL PROVISIONS**

24. Businesses reserved to Tanzanians.
25. Emergency measures.
26. Formation of tourism organisations.
27. Social Responsibility.
28. Offences and penalty.
29. Right to appeal.
30. Compounding of offences
31. Regulations.
32. Repeal and saving of Act No. 9 of 1996.



ACT NO. 6 OF 2009

I ASSENT

{ AMANI ABEID KARUME }
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

20th JAN, 2010

AN ACT TO REPEAL THE PROMOTION OF TOURISM ACT,
NO. 9 OF 1996 AND TO ENACT THE ZANZIBAR
TOURISM ACT AND OTHER MATTERS
RELATED THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY PROVISIONS

Short title
and
Commencement.

1. This Act may be cited as the Zanzibar Tourism Act 2009, and shall come into operation immediately after being assented to by the President.

Interpretation.

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

“Board” means the Board of Directors of the Commission as established under section 5 of this Act;

“Board Committees” means the Standing Committees of the Board established under section 7 of this Act;

“Commission” means the Zanzibar Commission for Tourism established under the provisions of section 3 of this Act;

“Director General” means the Director General of the Commission appointed under the provision of section 11 of this Act;



“Diving Centres” means diving schools, diving bases and all other persons that provide diving services which are registered in Zanzibar;

“Government” means the Revolutionary Government of Zanzibar;

“Guest House” means a registered establishment, other than a tourist hotel, which offers accommodation services to tourists and consists of not more than twenty five rooms for a payment decided at a certain rate per day of stay;

“Hotel” means an establishment, other than guesthouse which offers accommodation and meal services to tourists and consists of not less than ten rooms, that has been developed to provide board and/or lodging for tourists for a payment decided at a certain rate per day of stay;

“Hotel Operator” means any person who owns or operates a hotel and hold a licence issued under section 15 of this Act;

“Licence” means a licence issued under the provisions of this Act for the purpose of conducting tourism business;

“Marina” means harbours developed for anchoring yachts, tourist vessels and other vessels and to provide various services to those vessels.

“Maritime Transport” means all businesses whose commercial activity offering transport services to tourists and includes all kinds of ships, rafts, boats, cruise ships, sail ships, yachts or similar;

“Minister” means the Minister responsible for Tourism;

“Owner” means owner of a designated business;

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

“Restaurant” means any establishment structurally adapted and used for the purpose of supplying prepared meals and beverages, against payment, to the public for consumption on or off the premises;

“Tanzanian” means a person who is a Tanzanian in accordance with the laws relating to citizenship or a company incorporated in Tanzania in accordance with the Company Act, Chapter 212 of the Laws of Tanzania;



- “Tourist” means any person who displaces himself from his place of residence for a period less than three months, in any period of twelve months, with the purpose of tourism, recreation, sport, health, family affairs, religious pilgrimage, business or others, without immigration purposes;
- “Tourism Agent” means a travel agent or tour operator or any person who organises tours for tourists, either by air, sea or by land or issues tickets or makes residence arrangements or offers consultancy services on tourism in or outside Zanzibar;
- “Tourism Auxiliary Police” means an Officer of a special unit as established under section 11(6) of this Act to ensure the safety and security of the tourist and their properties;
- “Tourism Business” means any business which offers services to tourists including but not limited to restaurant, dancing and disco club, hotel, guest house, tour operator, tourist shop, tourist guide, tourism agency, ballooning, golf, zoo, wildlife or forest park, aquarium, tourism bureau, tourism agent, bicycle, motorbike, car rental, tourist vessel, sea sports operator, marina, and any business or establishment of the like or similar nature;
- “Tourist Guide” means a person who introduces, instructs, directs or shows tourists for gain on or about site, locations, vegetation, culture, nature, geography, history and any other matter within Zanzibar;
- “Tourist Officer” means an officer who has a duty to execute functions of the Commission under this Act;
- “Tourist Shop” means a shop which sells handicrafts, souvenirs, postcards, carvings, antique and any other items sold to tourist as remembrance of their journey or stay in Zanzibar;
- “Tourist Vessel” means a seagoing vessel that has been developed, in compliance with standards determined by the Commission, to provide board and lodging for tourists for a payment decided at a certain rate per day of stay on board such a vessel;
- “Zanzibari” means a Zanzibari as defined under the Zanzibaris Act No. 5 of 1985 or a company incorporated in Zanzibar in accordance with the Company Decree, Cap 153 of the laws of Zanzibar in respect of which the Commission is satisfied that the majority of the issued share capital owned by Zanzibaris.



PART II
ESTABLISHMENT, FUNCTIONS AND
POWERS OF THE COMMISSION

Establishment
of the
Commission.

3.(1) There is hereby established a Commission to be known as the Zanzibar Commission for Tourism.

(2) The Commission shall be an autonomous body corporate and shall:-

- (a) have perpetual succession and common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) be capable of purchasing and otherwise acquiring, and or alienating, any movable or immovable property, and;
- (d) have power to borrow such sums as it may require for its purpose save that any such borrowing shall be made in accordance with Financial Regulations.

(3) For the purpose of furthering any of its functions, the Commission may establish offices and or appoint representative in any country and may for the same purpose join any respective regional or international organisation.

Functions of
the
Commission.

4. Subject to the provisions of this Act, the functions of the Commission shall be:-

- (a) to implement tourism policy and master plan of Zanzibar;
- (b) to promote, assist and facilitate the efficient development and marketing of sustainable tourism industry;
- (c) to promote and develop cultural and eco-tourism;
- (d) to facilitate preservation of tangible and non tangible heritage;
- (e) to plan and direct tourism in a manner which is in conformity with the overall government development policy and strategies;
- (f) to promote and coordinate the public and private sectors engaged in tourism business;



- (g) to conduct activities which will promote domestic, regional and international tourism;
- (h) to register, issue licence, regulate and supervise tourism business;
- (i) to change, suspend, alter or cancel licences issued in accordance with this Act;
- (j) to classify and categorise enterprises which carry on tourism business;
- (k) to hear and investigate complaints related to tourism business;
- (l) to monitor institutions which carry on tourism business;
- (m) to promote Zanzibar as a tourism destination;
- (n) to diversify and upgrade tourism products so as to attract up market tourism;
- (o) to coordinate efforts of all institutions within the tourism industry, and between tourism and other sectors of the economy at all levels regional, national and international;
- (p) to conduct and facilitate research in tourism related subjects and compile and publish information relevant to tourism industry;
- (q) to manage tourism information system;
- (r) to educate the public on the importance of tourism to the national economy and their role and responsibility in the development of tourism;
- (s) to monitor and patrol tourism industry; and
- (t) to advise the Minister in matters related to development of the tourism industry.

Board of
Directors.

5.(1) It is hereby established a Board of Directors of the Commission which shall supervise the affairs of the Commission.



(2) The Board shall consist of:-

- (a) Chairperson who shall be appointed by the President;
- (b) Director General;
- (c) Any other members not exceeding four to be appointed by the Minister and among them not more than two from private sector involved in the tourism industry.

(3) The Members of the Board shall appoint one member among them to be a Vice- Chairperson of the Board.

(4) The Board shall appoint a qualified person with a minimum of first degree in law and experience of three years to be Secretary to the Board, and shall execute the day to day activities of the Board.

(5) The tenure of office for members other than ex-officio shall be three years and may be reappointed for one more term of three years.

(6) Any member of the Board shall be disqualified to hold the office if:-

- (a) does not attend to any three consecutive meetings without a permission from the Chairperson;
- (b) is judged or otherwise declared to be of unsound mind;
- (c) resigns;
- (d) does not any longer hold the office, if the appointment was by virtue of position in such an office.

(7) Members of the Board and Committees of the Board shall be paid allowances in such rate as approved by the Minister.

Functions of
the Board.

6. Without prejudice to any requirement of other provisions of this Act; the Board shall have the following functions:-

- (a) to supervise the implementation of Zanzibar tourism development policy and to advise the Minister on issues related to tourism and matters arising from the implementation and operation of this Act;



- (b) to promote and develop tourism industry;
- (c) to supervise formulation of tourism policy and master plan which adheres to development of eco-tourism; stopping destruction of environment, tangible and non tangible heritage;
- (d) subject to and in accordance with section 24 of the Public Investment Act No. 4 of 2002, plan and direct tourism in a manner which is in conformity with the overall government development policy and strategies;
- (e) to develop and implement staff development and administration mechanism for the Commission;
- (f) to advise the Commission on better operation of tourism activities;
- (g) to carry out any other function as may be necessary for effective implementation of this Act.

Board
Committees.

7.(1) The Board may from time to time form Board Committees to perform specific function on behalf of the Board.

(2) For the Committee established under subsection (1) of this section the Board shall:-

- (a) determine the terms of reference of such Committee including but not limited to whether or not such Committee shall cease to exist once it has completed the task or tasks allocated to it by the Board;
- (b) appoint a Chairperson of such Committee who shall be a member of the Board;
- (c) determine whether or not that Committee may co-opt persons who are not members of the Board, and if so, on what terms and conditions.

(3) The Board may at any time terminate the existence of any mandate given to a Committee, irrespective of whether or not it has completed the task or tasks allocated to such Committee by the Board.

Disclosure of
conflicting
interests.

8.(1) Where, in relation to a matter being investigated, considered or voted upon by the Board, a member has any interest which precludes or could preclude that member from performing his or her functions in a fair, unbiased and proper manner, he or she must excuse himself or herself from the investigation, consideration or vote.



(2) If at any stage during the course of any proceedings before the Board it appears that a member who is present at that meeting has or may have an interest contemplated in subsection (1) such a member shall forthwith disclose the nature of his or her interest and leave the meeting so as to enable the remaining members to discuss the matter and determine whether such member must comply with subsection (1) of this section.

(3) Any disclosure and determination contemplated in this section shall be recorded in the minutes of that meeting of the Board.

Meetings of the Board.

9.(1) The meetings of the Board shall be held on such dates, time and places as may from time to time be determined by the Board, provided that the Board shall meet four times in every financial year and at any other time when deemed necessary.

(2) The Board at its first meeting shall appoint one of its members to be a vice-chairperson and in the event where the Vice-Chairperson ceases to be Board member by whatever reason the Board shall appoint another member to be vice-chairperson.

(3) All meetings of the Board shall be presided over by the Chairperson or if Chairperson is absent by Vice-Chairperson.

(4) The quorum for a meeting of the Board shall be more than half of the total number of members holding office at that time.

(5) A decision of the majority of the members present at a meeting of the Board shall be a decision of the Board, and in the event of an equality of votes the Chairperson shall have a casting vote in addition to a deliberative vote.

(6) The Board may co-opt any other persons to participate in its deliberations but such a person shall have no right to vote.

(7) Subject to this Act, the Board shall regulate its meeting in such a manner as it deems fit.

Work Plans.

10.(1) The Commission shall develop strategic plan, action plan and annual tourism promotion and marketing plans in consultation with other tourism stakeholders and submit to the Board for consideration and approval.

(2) The approved plan shall be submitted to the Minister at least two months prior to the beginning of any new financial year.



(3) The plans shall provide clear indications of goals and objectives for the planning period, intended programmes, strategies and opportunities in the tourism industry.

(4) The plans shall include an outline of responsibilities, time frames, financial requirements, targets and monitoring mechanisms.

Director
General and
Staff.

11. (1) There shall be a Director General of the Commission who shall be appointed by the President.

(2) A person shall not be eligible to be appointed as Director General unless he has the following qualifications:-

- (a) is a holder of at least first degree or its equivalent and working experience of not less than five years; or
- (b) has adequate knowledge of and experience in tourism development or tourism marketing or business administration or economic or legal affairs.

(3) The Director General shall be the Chief Executive Officer of the Commission and, subject to the general supervision and control of the Board, shall be responsible for the day-to-day operations of the Commission, management of funds, property and business of the Commission and for the administration, organization and control of the other officers and staff of the Commission.

(4) There shall be Directors of directorates of the Commission appointed by the Board.

(5) There shall be other officers and staff appointed by the Board as may be required for the efficient and effective discharge of the business and purposes of the Commission.

(6) There shall be established Tourism Auxiliary Police under the Commission which shall take patrol in area designated for tourism business to safeguard tourist and their properties.

PART III FINANCIAL PROVISIONS

Fund of the
Commission.

12. (1) The Commission shall establish a Fund of the Commission where:

- (a) all monies received by the Commission shall be deposited;



(b) out of which all payments required to be made to the Commission shall be effected.

(2) The sources of Fund shall consist of:-

(a) such sum as allocated by the House of Representatives from the Consolidated Fund by way of loans or grants;

(b) any other money accrued by the Commission in the course of its duties including but not limited to organising or conducting of any fair, exhibition or promotional functions;

(c) such sums as may be collected by the Commission from issuing licence, permits or approval and any other revenue imposed or arising from the operation of this Act;

(d) any money collected as donations, grants, agency fees, goodwill or any other such type of revenue;

(e) such other sources as may be approved by the Minister after consultation with the Minister responsible for Finance.

(3) The Commission may, in the discharge of its functions and in accordance with the terms and conditions upon which its funds may have been obtained or derived, charge to the Fund all remunerations, allowances, salaries, fees and contributions, gratuities, working expenses and all other charges properly arising, including any necessary capital expenditure.

Estimates.

13. (1) The Board shall, not later than one month before the commencement of every financial year, submit to the Minister for his approval a detailed estimate of its income and expenditure for that coming year.

(2) Subject to subsection (3) of this section, the Minister shall, before the beginning of the financial year, signify in writing his approval of the estimates.

(3) In signifying his approval under subsection (2) of this section, the Minister may:-

(a) approve only part of the estimate of a certain provision; and

(b) direct the Board to amend the estimates of a certain provision.



Annual report. **14.** The Board, not later than three months after the closure of any financial year, submit an annual report on activities of the Commission and audited accounts in respect of that financial year to the Minister.

PART IV LICENSING OF TOURISM BUSINESS

Licensing. **15.** (1) Subject to subsection (2) of this section, a person shall not run or carry on a tourism business unless holds a licence issued by the Commission.

(2) Any person who wishes to obtain, renew or vary a tourism business licence shall make a written application to the Commission in the form and a manner as prescribed by the Board.

(3) Notwithstanding the provisions of this Act or any other laws a person shall not be granted a licence under this section unless he obtains clearance of the satisfactory payment of the Taxes from the taxes Authorities.

Issue of licence. **16.** (1) The Director General shall issue a licence to any person who is engaged in tourism business after fulfilment of all terms and conditions specified under this Act.

(2) The licence issued under subsection (1) of this section shall be:-

- (a) in the prescribed form;
- (b) valid for a period of one year;
- (c) issued subject to the payment of fee prescribed thereof.

Renewal of licence. **17.** Upon application for licence renewal from tourism business, the Commission may approve to renew, or vary the terms of the tourism business licence, in such terms and conditions upon payment of fee as prescribed by the Board.

PART V CONDITIONS AND DUTIES FOR TOURISM BUSINESS OPERATORS

Operator of hotel and guest House to keep Register and furnish information. **18.** (1) Every operator of hotel or guest house shall keep in the hotel or guest house a register of record in which shall be entered therein the name, nationality and usual place of residence of every person admitted as a guest occupying a room therein alone or with any other person, together with the number or name of the room so occupied; date of arrival and departure.



(2) Every operator of hotel or guest house shall have a management known to the Commission whether managed by the owner or any other person employed by the owner and in the event of change the Commission shall be informed within thirty days after such change.

(3) Without prejudice to subsection (2) of this section, any operator of hotel or guest house shall submit to the Director General such information and particulars including financial statements, audited balance sheets and income statement relating to its entire business operations as may from time to time be required by the Director General within such time as he may determine.

(4) Every operator of hotel or guest house shall provide in each room of hotel or guest house and on notice board, information relating to services offered including foods, drinks and time for such services, and area for exit in case of emergency and conditions for tourists.

Tour operation. 19. Notwithstanding the provisions of section 15 of this Act:-

- (a) a tourist hotel or guest house shall not be licensed to operate as a tour operator or travel agent except with the consent of the Commission;
- (b) tour operation and shuttle boat businesses are reserved for Zanzibaris;
- (c) except with the consent of the Commission, person, not being licensed to carry on tourism business, shall not assume or use the words "tourism, tour, travel, tourist agency, travel agent or tour operator" as the case may be or any derivative of these words in any language capable of being construed as indication of the carrying on of operation on any such business, in relation to the business or any representation to such effect in any bill, head letter, paper/notice, advertisement or any other manner whatsoever.

Tour guiding. 20. (1) Any person may act as a tour guide in Zanzibar after obtaining permission or licence from the Commission in accordance with regulations made by the Minister.

(2) Every person acting as a tour guide shall, whilst acting in the course of business as a tour guide, attach to his attire in a conspicuous manner the identity and permission issued to him.



Tourist
Vessels.

21.(1) Any tourist vessel may operate in Zanzibar after obtaining a licence from the Commission to operate such a vessel.

(2) A licence for the operation of a tourist vessel shall be issued to vessels that satisfy the following conditions:-

(a) the vessel and its facilities comply with guidelines determined by the Commission and other Government Authorities;

(b) the vessel is duly registered with the Ministry responsible for Transport.

(3)(a) Any foreign-registered tourist vessel arriving in Zanzibar waters may sail or anchor within any of the territorial and interior waters of the Zanzibar after obtaining permission from the relevant authorities including the Commission.

(b) the permission referred to in sub-section (3)(a) of this section for sailing and anchoring in the Zanzibar waters shall be issued by the Authorities upon payment of a prescribed fee.

Marinas.

22. (1) The operation of marinas in Zanzibar shall be approved by Commission in consultation with relevant authorities.

(2) Marinas shall obtain a licence issued by the Commission to operate at such places and in compliance with guidelines determined by the Commission in relation to the operation of marinas.

(3) The licence referred to in this section shall be issued after satisfying the conditions set out in the regulations made by the Minister.

Diving
Centres.

23. (1) Any diving centre may offer services to tourists in Zanzibar after registering and obtaining a licence issued by the Commission after payment of a prescribed fee.

(2) The diving centre shall operate in accordance with the guidelines provided in the regulations made under this Act, and the services determined by the Commission to be necessary at such centre are made available at the diving centre.

PART VI GENERAL PROVISIONS

Businesses
reserved to
Tanzanians.

24.(1) The following tourism businesses are reserved for Tanzanian:-



- (a) entertainment; such as cultural performance, live performance music, disco and acrobat games;
- (b) tourist shop, boutique, saloons and berber shops;
- (c) internet services;
- (d) porters;
- (e) waiters in restaurant, bakery or cooking;
- (f) laundry;
- (g) tour guide who qualifies under section 19(1)(b) of this Act.

(2) The Minister, by notice published in the Official Gazette may add or reduce the list of reserved services under sub section (1) of this section.

(3) Any Tourist business operator who employs non Tanzanian for the services under subsection (1) of this section shall have a written permission from the Commission and after payment of fee to be determined by the Board at the beginning of every year.

Emergency measures.

25.(1) Officers appointed by the Commission, may, notwithstanding any provision of this section take any of the following emergency and temporary measures against any person who contravenes the provisions of this Act:-

- (a) detain any vehicle operating in tourism business without proper licence or permit required under this Act.
- (b) close any shop, bar, restaurant, hotel or any tourism business operating without licence or permission required under this Act.
- (c) any other measure sufficient to restrain continued breach against this Act.

(2) Any emergency and temporary measure shall continue not later than the determination of the case or fulfilment of the required formality whichever is earlier.

(3) Emergency measure shall not be a bar to any prosecution or suit.



Formation of
tourism
organisations.

26. Any licensed tourism business having the same or related objective may in accordance with the provisions of this Act form organisations for smooth running of their business.

Social
Responsibility.

27. (1) Every tourism operator shall establish effective policy and plans at their workplace and allocating budget for Corporate Social Responsibilities specifically in making awareness campaigns to control and combat HIV/AIDS and Drug Abuse.

(2) Every licenced tourism business shall preserve ancient historical sites and monuments, traditional arts and cultural heritage of Zanzibar and take necessary role to inform their clients to observe cultural values of Zanzibaris.

(3) Every licenced tourism business shall in carrying out its business adhere to national and International environmental regulations and take all necessary measures in management of solid and liquid waste.

(4) Every tourism business may participate and contribute to the social development activities within their location.

Offences
and penalty.

28. Any person who:-

- (a) carries on tourism business without a valid licence;
- (b) denies access or obstructs any officer authorised by the Commission to inspect tourism business;
- (c) refuses to produce licence or give information when requested to do so by an officer authorised by the Commission;
- (d) commits or attempts to commit breach of any of the provisions of this Act;

commits an offence and shall upon conviction be liable to a fine not exceeding ten thousand United States Dollars (US \$ 10,000) or to imprisonment for a term not less than three months but not exceeding five years or to both such fine and imprisonment, on subsequent continued breach be liable to a fine of fifty Dollars for each day of default or to one month imprisonment for each such day.

Right to
appeal.

29. Any person aggrieved by any action of the Commission may appeal to the Minister within thirty days from the date of which the caution was communicated.



Compounding
of offences.

30. (1) Subject to the conditions set out in subsection (2) of this section the Director General may:-

- (a) compound an offence by accepting a sum of money not less than the maximum fine specified for the offence which may be paid in instalments as appropriate; and
- (b) order the release of any item seized in connection with the offence on payment of a sum of money not more than the value of that item;

(2) For the purposes of subsection (1) of this section, an offence may be compounded only if the person provides a written statement to the Director General:-

- (a) admitting the offence; and
- (b) agreeing to compounding of that offence under this section.

(3) Any money received under this section shall be equivalent to and in lieu of a fine imposed by a court.

(4) Compounding the offence shall be a defence to any action or legal proceeding brought against a person for an offence under this Act.

(5) Sections 100 and 101 of the Penal Decree shall not apply to compounding of offences under this Act.

Regulations.

31. (1) The Minister by notice in the official gazette may make regulations for better performance of the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister shall make regulation to:-

- (a) provide for classification of tourism hotels and guest houses and criteria for such classification;
- (b) provide for registration of tourist hotels and guest houses;
- (c) prescribe fees payable in respect of applications for licences and registrations;
- (d) prescribe for record keeping related to tourism business;



(e) duties and responsibilities of Tourism Auxiliary Police;

(f) provide for appeal against any decision or order of the Commission.

Repeal and
saving of Act
No. 9 of
1996.

32. (1) The Promotion of Tourism Act, No.9 of 1996 is hereby repealed.

(2) Notwithstanding the provisions of sub section (1) of this section, regulations and anything done under the provisions of the repealed law which are in force before on the effective date shall be deemed to be made under the provisions of this Act.

PASSED in the House of Representatives of Zanzibar on 16th day of October, 2009.

A handwritten signature in blue ink, appearing to read 'Ibrahim Mzee Ibrahim'.

{IBRAHIM MZEE IBRAHIM}
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR.