

THE PENAL (AMENDMENT) DECREE ACT, 1985

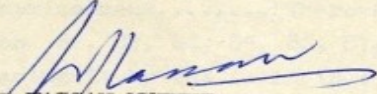
ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
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ACT NO. 10 OF 1985

I ASSENT



ALI HASSAN MWINYI  
PRESIDENT OF ZANZIBAR  
AND

CHAIRMAN OF THE REVOLUTIONARY  
COUNCIL.

12/7/

1985.

AN ACT TO AMEND THE PENAL DECREE TO REPEAL THE PREVENTION  
OF CORRUPTION DECREE AND TO PROVIDE FOR OTHER MATTERS  
CONNECTED THEREWITH AND INCIDENTAL THERETO.

ENACTED by the House of Representatives of Zanzibar.

Short title.

1. This Act may be cited as the Penal (Amendment) Decree Act, 1985 and shall be read as one with the Penal Decree, Cap. 13 of the Laws of Zanzibar (hereinafter referred to or the Principal Decree).

Amendment of  
Part X of the  
Principal  
Decree.

2. Part X of the Principal Decree is amended as follows:-

1. by deleting the heading thereto and replacing it by the following new heading:-

"Corruption, Abuse of office and other Economic offences.

(2) (a) by re-numbering section 80(1) as section 80 and deleting therefrom subsection (2) and (3) of section 80.

(b) by deleting the last two lines in the new section 80 and replacing by the following:-

"shall be guilty of an offence".

(3) (a) By deleting sub section (2) and (3) of section 81, and by renumbering section 81(1) as section 81.

(b) by deleting the whole of the phrase "is guilty of misdemeanour and is liable to..... years and replacing it by the following:-

"is guilty of an offence".

(4) To delete the words "is guilty of misdemeanour and is liable to imprisonment....."Wherever it occurs in section 82, 83, 84, 85, 86, 87, 88, 89 and 90 and replacing it by the following:-  
"is guilty of an offence".

Amendment  
of other  
Penal  
(Amendments)  
Decrees and  
Acts.

3. The penalties appearing in the following Penal (Amendment) Decrees and Acts shall be deleted and in their stead replaced by the penalties prescribed under section 4 and 5 of this Act:-

- (1) Decree No. 1 of 1980
- (2) Decree No. 2 of 1982 and
- (3) Act No. 7 of 1982.

Penalty.

4. Any person who is guilty of an offence under Part X of the Principal Decree or under the provisions of any of the laws specified under section 3 of this Act shall be liable on conviction for a term exceeding three years but not exceeding ten years or to a fine exceeding fifty thousand shillings but not exceeding one hundred and fifty thousand shillings or to both such imprisonment and fine.

Forfeiture.

5.(1) In addition to any penalty which may be imposed on conviction of any such offences under Part X or under the laws specified under section 3 the court shall order the forfeiture to the Government of any property which has passed in connection with the commission of the offence, or if such property cannot be forfeited or cannot be found, of such sum as the court shall assess as the value of the property.

(2) Payment of any sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as in the case of payment of a fine.

Consent of  
the Attorney  
General.

6. A prosecution for any offence under Part X or under any of the laws specified under section 3 of this Act shall not be instituted except by or with the sanction in writing of the Attorney General.

Special  
power of  
investigation.

7. (1) Notwithstanding any provision in any other laws, the Attorney General, may if he considers that any evidence of the commission of an offence under this Act by any person is likely to be found in any bank account relating to such person, his wife or child or any person reasonably believed by the Attorney General to be a trustee or agent of such person authorise in writing any police officer above the rank of Sub Inspector or other authorised person to investigate such bank account and such officer or authorised person may take copies of any relevant entry in any such account.

(2) The Attorney General may by writing authorise any police officer or other authorised person, if it is reasonably suspected that such person is in possession of property corruptly acquired or to search any premises, vessel, boat, aircraft or other vehicle whatsoever, in or upon which there is reason to suspect that any property corruptly acquired has been placed, deposited or concealed.

(3) Any person who hinders any police officer or other authorised person to make such investigation or search shall be guilty of any offence and shall on conviction be liable to be sent to an Educational Centre for a period of two years or to a fine of twenty thousand shillings or to both such imprisonment and fine.

Minister  
to create  
offences.


8. The Minister responsible for Legal Affairs may by order published in the Gazette, and with the prior approval of the House of Representatives create certain offences to be offences under Part X of the Decree and such offence published, shall not be removed from the list except by an Act of the House of Representatives.

Repeal of  
Decree  
No. 4/75  
and savings.

9. (1) The Prevention of Corruption Decree No. 4 of 1975 is hereby repealed.

(2) Anything done before the commencement of this Act shall be deemed to have been done under the provisions of the former Decree and shall be dealt with in accordance with the provisions of that Decree.

Passed in the House of Representatives on 13th day of June, 1985.



(IDI P. HASSAN)

CLERK TO THE HOUSE OF  
REPRESENTATIVES.

SHERIA YA KUREKEBISHA SHERIA YA ADHABU YA 1985

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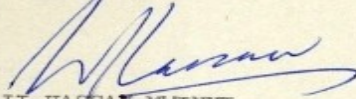
KIFUNGU

1. Jina fupi.
2. Kurekebishwa kwa sehemu ya 10 ya sheria mama.
3. Kurekebishwa sheria nyengine za marekebisho ya adhabu.
4. Adhabu.
5. Kufilisiwa.
6. Idhini ya Mwanasheria Mkuu.
7. Uwezo maalumu wa uchunguzi.
8. Waziri kubuni kosa.
9. Kufutwa kwa Sheria Nam. 4/1975 na mambo yalusianayo.

SERIKALI YA MAPINDUZI YA ZANZIBAR

SHERIA NAM. 10 YA 1985

NAKUBALI



ALI HASSAN MWINYI

RAIS WA ZANZIBAR NA  
MWENYEKITI WA BARAZA LA  
MAPINDUZI.

12 Julai, 1985.

SHERIA YA KUREKEBISHA SHERIA YA ADHABU KUIFUTA SHERIA  
YA RUSHWA NA KUELEZA MAMBO MENGINE YANAYOHUSIANA NA HAYO

IMETUNGWA na Baraza la Wawakilishi la Zanzibar.

Jina fupi.

1. Sheria hii itajulikana kuwa ni Sheria ya Adhabu (marekebisho) ya 1985 na itasomwa kwa pamoja na Sheria ya Adhabu Sura ya 13 Sheria za Zanzibar (ambayo humu itajulikana kuwa ni Sheria mama).

Kurekebishwa  
kwa sehemu ya  
10 ya Sheria  
mama.

2. Sehemu ya X ya Sheria mama inarekebishwa kama ifuatavyo:-

1. Kwa kulifuta jina kubwa la sehemu hiyo na badala yake kuweka jina kubwa lifuatalo "Rushwa", kudharau Afisi na Makosa ya Kuhujumu Uchumi.

(2) (a) Kufuta vijifungu 80(2) na 80(3) na kukifanya kijifungu 80(1) kuwa kifungu 80.

(b) kwa kufuta mistari miwili ya kifungu kipya cha 80 na kuweka maneno yafuatayo "atakuwa mkosa wa kosa hilo"

(3) (a) Kwa kuvifuta vijifungu (2) na (3) vya kifungu 81 na kukiweka kifungu 81(1) kuwa ni kifungu cha 81.

(b) Kwa kuyafuta maelezo yote yanayofuata:- "ni mkosa wa kosa na anaweza kupewa adhabu ya....." na kuweka maneno yanayofuata "ni mkosa wa kosa hilo".

(4) Kufuta maneno yanayofuata "ni mkosa wa kosa na anaweza kupewa adhabu ya kifungu....." popote yanapotokea katika vifungu 82, 83, 84, 85, 86, 87, 88, 89 na 90 na kuweka badala yake maneno yanayofuata: - "ni mkosa wa kosa hilo".

(3) Mtu yeyote anaemzuia askari au mtu anaehusika kutokufanya kazi zake za uchunguzi au kusachi atakuwa ni mkosa na akipatikana na hatia atapelekwa Chuo cha Mafunzo kwa muda wa miaka 2 au kutozwa faini ya Shilingi 20,000/= au kupata adhabu zote mbili, kifungo na faini.

Waziri kubuni  
kosa.

8. Waziri anaehusika na mambo ya Sheria anaweza kwa kutangaza katika Gazeti na kwanza kwa kupata idhini ya Baraza la Wawakilishi baadhi ya makosa kuwa makosa chini ya sehemu ya X ya sheria mama na kosa hilo litapotangazwa haliwezi kufutwa kutoka kwenye orodha ila kwa sheria iliotungwa na Baraza la Wawakilishi.

Kufutwa kwa  
Sheria Nam.  
4/1975 na  
mambo  
yahusianayo.

9. (1) Sheria ya Kuzuia Ulaji wa Rushwa Nam. 4 ya inafutwa.

(2) Kitu chochote kilichofanywa kabla ya kutungwa kwa sheria hii kitahesabika kuwa kimefanywa chini ya sheria iliyopita na kitachukuliwa hatuwa kwa mujibu wa sheria hiyo.

Imepitishwa na Baraza la Wawakilishi tarehe 13 Juni, 1985.



(IDI P. HASSAN)

KATIBU

BARAZA LA WAWAKILISHI.