

AN ACT TO AMEND CERTAIN WRITTEN LAWS.

ARRANGEMENT OF SECTIONS.

SECTION

1. Short title.
2. Certain laws amended.

SCHEDULE

1. Act No.7 of 1984 - The Interpretation of Laws and General Clause Provisions Act.
2. Plant Protection Decree, Chapter 118 of the Laws of Zanzibar.
3. Penal Decree, Cap.13 of the Laws of Zanzibar.
4. National Security and Official Secrets Act, No.5 of 1983.
5. Kadhis Court Act, No.3 of 1985.
6. High Court Act, No.2 of 1985.
7. The Road Traffic Decree, Chapter 135 of the Laws of Zanzibar.
8. The Magistrate's Court Act, No.6 of 1985.
9. The Criminal Procedure Decree, Cap.14 of the Laws of Zanzibar.
10. Ancient Monument Preservation Decree, Cap.102 of the Laws of Zanzibar.
11. Wood cutting Decree, Cap.121.
12. Education Act, No.6 of 1982.
13. Trade Licensing Act, No.3/83.

ACT NO. II OF 1986.

I ASSENT

*Idris Abdul Wakil*

IDRIS ABDUL WAKIL

PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY  
COUNCIL.

*14<sup>th</sup> July* ..... 1986.

AN ACT TO AMEND CERTAIN WRITTEN LAWS

ENACTED BY THE HOUSE OF REPRESENTATIVES  
OF ZANZIBAR.

Short title.

1. This Act may be cited as the Written  
Laws (Miscellaneous Amendments) Act, 1986.

Certain  
laws  
amended.

2. The Laws set forth in the First  
Column of the Schedule to this Act are amended  
in the manner specified in the Second Column  
to the said Schedule.

2/.....

SCHEDULE

COLUMN ONE	COLUMN TWO
1. Act No.7 of 1984 - The Interpretation of Laws and General Clause Provisions Act.	Section 27 is amended by adding a new subsection (3) to be numbered section 27(3) :-  "27.(3) Where a new enactment provides for an offence similar to that of an old enactment which is still in force with either heavier or lesser penalty, than the new enactment, shall, for the purpose of this section be deemed to have repealed the provisions of an old enactment relating to that offence.
2. Plant Protection Decree, Chapter 118 of the Laws of Zanzibar.	Section 9 is repealed and replaced by the following :-  Penalty for breach of Rules and orders of an Inspector. 9. Any person who, without reasonable excuse, fails to comply with any lawful given order of an inspector or contravenes or fails to comply with any Rules made under this Decree or is guilty of an offence under this Decree shall be liable for each offence to a fine of not less than five thousand shillings but not exceeding ten thousand shillings or to an imprisonment for a term of not less than six months but not exceeding twelve months.

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3. Penal Decree, Cap.13 of the Laws of Zanzibar.	1. Section 14(1) is amended by deleting the word "seven" therefrom and substituting the word "twelve" thereof.  2. Section 14(2) and (3) are amended by deleting the word "twelve" wherever it occurs and substituting the word "fourteen" thereof.  3. Section 5 of the Penal Decree is deleted and replaced by the following new section :-  "5. The jurisdiction of the courts of Zanzibar for the purpose of this Decree extends to every place within Zanzibar or within twelve nautical miles of the coast thereof measured from low water mark and offences committed in high seas on vessels registered in Zanzibar."
	4. Section 21(4) is amended by adding the following provisions immediately after the word "omission" appearing in the last sentence.  "Provided that it shall be no defence that the act was done by an innocent agent."
	5. Section 33 is amended by deleting therefrom the words - "not exceeding six months" and replacing them by the following words:- "not less than five years but not exceeding ten years".
	6. Section 80 of this principal Decree is hereby amended by renumbering section 80 as section 80(1) and adding subsection to be numbered as section 80(2).

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"80.(2) Where in consequence of any investigation or of a search or investigation of a bank account pursuant to any relevant laws, any public officer is found to be or to have been in possession of any property, or is found to have received the benefit of any services, which he may reasonably be suspected of having corruptly acquired or received when he held a public office, such public officer may be charged with having or having had in his possession property reasonably suspected or having been corruptly acquired or as the case may be, with having received the benefit of service reasonably suspected of having been corruptly received, and if such public officer fails to satisfy the court that he did not corruptly receive the benefit of services he shall be guilty of an offence."

7. Decree No.13 of 1971 which amends section 161(a) and (b) of the Penal Decree is hereby repealed.

8. Section 161(a) and (b) of the principal Decree which deals with lotteries is hereby revived.

Section 11 is amended by adding the following words immediately after the word "offensive" and before the word "material" -

"weapon or", so as to read  
"..... offensive weapon or  
material ....."

1. Sections 2; 4(4); 5(2) and 6(2) are hereby amended by deleting the word "senior" wherever it occurs in these sections and replace it by the word "appellate".

2. Section 5 is further amended by renumbering subsection (3) as subsection (4) thereof and by substituting a new subsection (3) as follows :-

"(3) Some of the Kadhis appointed under the provisions of subsection (1) of this section may, if the Judicial Service Commission thinks fit to do so, and because of their qualifications and

COLUMN ONE	COLUMN TWO
6. High Court Act. No.2 of 1985.	<p>other relevant material particulars of each Kadhi, be appointed as Senior Kadhis of either Grade One, Two or Three as the case may be."</p> <p>1. Section 5 of the principal Act is amended as follows :-</p> <ul style="list-style-type: none"><li>(a) by deleting the whole of paragraph (a);</li><li>(b) by renumbering the remaining paragraphs as "(a)", "(b)" and "(c)" respectively.</li></ul> <p>2. Section 9 of the principal Act is amended by deleting therefrom the word "from" appearing just before the words "the High Court save:-" and substituting therefor the word "into".</p> <p>3. Section 10 of the principal Act is amended by inserting a comma and adding therefor the following words and a comma "subject to the provisions of any other law," immediately after the words "The High Court may" appearing at the beginning of subparagraph (1).</p> <p>4. Section 16 of the principal Act is amended by adding the words "of Appeal" immediately after the word "Court" in subsection (1). and 49</p> <p>1. Sections 37/are repealed and replaced by the following new sections:-</p> <p>Penalties for offences under Part III.</p> <p>37.(1) Any person who is guilty of an offence under section 31, section 32 or section 33 shall be liable to a fine of not less than five thousand shillings but not exceeding seven thousand shillings or imprisonment for a term of not less than</p>
7. The Road Traffic Decree, Chapter 135 of the Laws of Zanzibar.	
	6/....

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one year but not exceeding 2 years or to both such fine and imprisonment.

(2) Any person who is guilty of an offence under section 34 or section 35 shall be liable to a fine of not less than three thousand shillings but not exceeding five thousand shillings or to an imprisonment for a term of not less than six months but not exceeding one year or to both such fine and imprisonment.

(3) Any person who is guilty of an offence under section 36 shall be liable to a fine of not less than two thousand shillings but not exceeding three thousand shillings.

Penalty for offences under Part IV.

49.(1) Any person who is guilty of an offence under section 46 or section 47 shall be liable to a fine of not less than five thousand shillings or to imprisonment for a term of not less than one year but not exceeding two years or to both such fine and imprisonment.

(2) Any person who is guilty of an offence under section 48 shall be liable to a fine exceeding three thousand shillings or to imprisonment for a term exceeding six months but not exceeding one year or to both such fine and imprisonment.

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2. Section 55 is repealed and replaced by the following new section :-

Penalties 55.(1) Any person who is guilty of an offence under section 51 shall be liable to a fine of not less than two thousand shillings but not exceeding five thousand shillings.

(2) Any person who is guilty of an offence under section 52 or section 54 shall be liable to a fine of not less than two thousand shillings but not exceeding five thousand shillings or to imprisonment for a term of not less than three months but not exceeding six months or to both such fine and imprisonment.

3. Section 63 is repealed and replaced by the following new section :-

Misuse  
of  
Government  
vehicles.

63.(1) In this section -

(a) Government vehicle includes vehicles belonging to or said to belong to Revolutionary Government of Zanzibar, its parastatals and other Government organizations, belonging to or said to belong to the Government of the United Republic and its parastatals and belonging to or said to belong to the Chama cha Mapinduzi and its Mass Organisations;

(b) proper officer means -

(i) in relation to a Government Ministry, Department or division thereof, the Permanent Secretary or any other person authorised by him and in relation to the President's Office, Secretary

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to the Revolutionary Council or any person authorised by him;

(ii) in relation to KMKM, JKU and Chuo cha Mafunzo, the Heads of KMKM, JKU or Chuo cha Mafunzo or any other person authorised by them.

(iii) in relation to the Party means Party Secretary General or other person authorised by him and in relation to Mass Organisations means Head of that Organisation in Zanzibar or other person authorised by him.

(2) No person shall without the written authority of a proper officer -

- (a) drive a Government or Party vehicle;
- (b) procure the use or hire of a Government or Party vehicle;
- (c) use a Government or Party vehicle after working hours on any day;
- (d) use a Government or Party vehicle on Sunday or Public holidays;
- (e) use a Government or Party vehicle for any purpose other than that authorised;
- (f) loads or carry goods or passengers in a Government or Party vehicle; and
- (g) deviate a Government or Party vehicle from its authorised route.

(3) Subsection (2) of this section shall not apply to the following Government or Party vehicles -

COLUMN ONE	COLUMN TWO
	<p>(a) KMMK, JKU and Chuo cha Mafunzo vehicles while on duty;</p> <p>(b) ambulances and fire engines while on duty;</p> <p>(c) vehicles driven and or used by Ministers, deputy Ministers, principal secretaries, Heads of the Departments, Regional and District Commissioners, Regional and District Chairmen and Secretaries, Directors, General Managers, Heads of the mass organisations; and</p> <p>(d) any other vehicle authorised in writing or by a Government or Party circular issued by any authorised officer.</p> <p>(4) Any person who contravenes the provisions of this section shall be guilty of an offence and shall on conviction be liable to all of the following penalties -</p> <p>(i) disciplinary action given to him by the head of his department;</p> <p>(ii) to pay to the Government a fine of not less than two thousand shillings but not exceeding five thousand shillings which money shall be deducted from his salary in equal instalments as may be determined by the court; and</p> <p>(iii) if there is any thing loaded or goods carried, such things loaded or goods carried shall be forfeited to the Government.</p> <p>5. Section 86 is repealed and replaced by the following new section :-</p> <p>"Penalty 86. Any person who is guilty of an offence under Part VI of this Decree shall on conviction be liable to a Part VI.</p>

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fine of not less than two thousand shillings but not exceeding five thousand shillings or to an imprisonment for a period of not less than six months but not exceeding one year."

6. Section 99 is repealed and replaced by the following new section :-

"Penalty for offences under Part VIII.

99. Any person who is guilty of an offence under Part VIII of this Act shall be liable on conviction to a fine exceeding two thousand shillings but not exceeding five thousand shillings or to an imprisonment for a term exceeding six months but not exceeding twelve months or to both such fine and imprisonment."

7. Section 110 is repealed and replaced by the following new section :-

"Penalty for offences under Part IX and general penalty for offences.

110.(1) Any person who is guilty of an offence under section 100, 101, 103, 104, 107, 108 or section 109 shall be liable on first conviction to a fine of not less than two thousand shillings but not exceeding five thousand shillings and on each subsequent conviction to a fine exceeding five thousand shillings.

(2) Any person who is guilty of an offence under section 105 or section 106 shall be liable to a fine of not less than two thousand shillings and the court may, in addition to the imposition of a fine, make an order for the payment by the offender of a sum by way of damages or of any sum due by the offender and may further, if it thinks fit, award cost and compensation against the offender in respect of any loss of time incurred by the owner, driver or conductor of the vehicle in respect of which the offence has been committed in attending the court.

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8. The  
Magistrate's  
Court Act,  
No.6 of  
1985.

(3) Any person who is guilty of any offence under this Decree for which no penalty is specially provided shall be liable on first conviction to a fine of not less than two thousand shillings but not exceeding five thousand shillings or to imprisonment for a term of not less than six months and on each subsequent conviction to a fine exceeding five thousand shillings or to imprisonment for a term exceeding one year.

1. The words "Resident Magistrate" and "Resident Magistrate's Court" should be deleted wherever they appear in the Act and be replaced respectively by the words "Regional Magistrate" and "Regional Magistrates' Courts".
2. Section 4(1) be amended by adding a new subsection immediately after subsection (f) to be numbered as follows :-

"(g) to impose any type of minimum sentence provided for in any act where the offence in question is within the jurisdiction of such a court."
3. Section 4(2) is amended by deleting the figure "ten thousand" and replaced by the figure "twenty five thousand".
4. Section 6(1) is amended by deleting the word "shall" and replaced by the word "may".
5. Section 6(2) be deleted and replaced by the following new subsection 6(2) :-

"6.(2) Wherever the Primary Court Magistrate sits with the assessors, he shall not be bound by their opinion but shall give reasons wherever he differs from them."
6. Section 8(3) is amended by adding a new subsection thereof to be numbered subsection (3) -

"8.(3) Public Prosecutors may conduct prosecution in Primary Courts."

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	<p>7. Section 10(2) is amended by deleting the following words therefrom "or a degree".</p>
	<p>8. Section 11(2) is amended by deleting the "dash" appearing after the word "limited" and adding the following words thereto -</p> <p>"to cases where the value of the subject matter does not exceed hundred thousand shillings :-"</p> <p>Section 20 is hereby deleted and replaced by the following :-</p> <p>"Extended jurisdiction. 20. The Chief Justice may, by a notice in the Gazette confer extended jurisdiction on a Regional Magistrate or Regional Courts generally."</p>
9. The Criminal Procedure Decree, Cap. 14 of the Laws of Zanzibar.	<p>1. Decrees numbers 3 of 1972 and 2 of 1978 which amends the Criminal Procedure Decree are hereby repealed.</p> <p>2. Decrees numbers 9 of 1965 and 2 of 1966 which ceased to have effect on the Criminal Procedure Decree are hereby revived:</p> <p>Provided that the sanction required to be given by the President shall now be required to be given by the Minister responsible for Justice.</p>
10. Ancient Monument Preservation Decree Cap. 102 of the Laws of Zanzibar.	<p>1. Section 14 is amended by deleting the words "not exceeding one thousand and fifty shillings or to imprisonment for a term not exceeding six months" and replacing them for the following words :-</p> <p>"not less than ten thousand shillings but not exceeding fifty thousand shillings or to imprisonment for a term of one year but not exceeding two years."</p>
11. Wood cutting Decree Cap. 121.	<p>1. Section 9 of the principal Decree is hereby revived by renumbering it as section 9(1).</p> <p>2. The revived section 9(1) is amended by deleting all words immediately after the word "conviction" and replaced by the following words-</p>

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12. Education Act, No. 6 of 1982.

"to imprisonment for a term of not less than six months but not exceeding one year or to a fine of not less than two thousand shillings but not exceeding five thousand shillings".

3. Section 5 of Presidential Decree No. 4 of 1968 is hereby amended by renumbering section 9 as section 9(2).

1. The words "Education Board" appearing in section 2 and wherever it occurs be deleted and replaced by the words "Education Council".

2. The words "Advisory Council" appearing in section 5(1)(a) and wherever it occurs be deleted and replaced by the words "Education Council".

3. Section 47(1) of the Principal Act is hereby amended by deleting the whole of paragraphs (i) to (v) of subsection (1) and substituting it for -

(i) the Chairman who shall be a person from outside the Ministry shall be appointed by the President;

(ii) Director of Higher Education in the Ministry as Secretary;

(iii) Executive Secretary of the Permanent Planning Commission;

(iv) Principal Secretaries from the Ministries of -

(a) Education;  
(b) Finance.

(v) Director of Planning from each of the following Ministries responsible for -

(a) Health;  
(b) Social Services;  
(c) Agriculture;  
(d) Transport and Communication;  
(e) Special Departments;

(vi) Director of Planning and Manpower Development;

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13. Trade  
Licensing  
Act,  
No. 3/83.

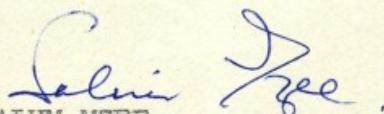
- (vii) Three members from the House of Representatives; appointed by the Minister;  
(viii) two other members appointed by the Minister.

4. Sections 48(d), 48(h) and 49(3) are amended by deleting the words "Manpower Planning" and substituting thereto the word "Education".

1. Section 4 of the principal Decree is hereby repealed.

2. Sections 5 to 24 are hereby renumbered as sections 4 to 23 respectively.

Passed in the House of Representatives,  
Zanzibar, this 13th day of June, 1986.

  
SALUM MZEE  
ACTING CLERK TO THE HOUSE  
OF REPRESENTATIVES.

SHERIA YA KUREKEBISHA BAADHI YA SHERIA

KIFUNGU

1. Jina.
2. Baadhi ya sheria zinarekebishwa.

SHERIA NAMBA 11 YA 1986

NAKUBALI

*Idris Abd el Salil*

IDRIS ABDULKIL  
RAIS WA ZANZIBAR  
NA MWENYEKITI WA  
BARAZA LA MAPINDUZI

*15<sup>th</sup> July*, 1986

SHERIA YA KUREKEBISHA BAADHI YA SHERIA

IMETUNGWA na Baraza la Wawakilishi la Zanzibar.

Jina.

1. Sheria hii itajulikana kama ni Sheria ya  
Marekebisho ya Baadhi ya Sheria ya mwaka 1986.

Baadhi ya  
sheria  
zinareke-  
bishwa.

2. Sheria zilizowekwa kwenye jadweli ya kwanza  
ya Sheria hii zinarekebishiwa kama ilivyoainishwa katika  
jadweli ya pili.

JADWELE YA KWANZA	JADWELE YA PILI
1. Sheria Nam. 7 ya 1984 - Sheria ya Ufafanuzi.	Kifungu cha 27 Kinarekebishwa kwa kuongeza kifungu kidogo cha (3) ambacho kitakuwa kifungu cha 27(3). "27(3) Endapo sheria mpya itaanzisha kosa linalofanana na kosa liliomo kwenye sheria ya zamani ambayo bado inatumika, basi kwa madhumuni ya kifungu hiki, sheria mpya itahesabiwa kuwa imeyafuta yale maelezo ya sheria ya zamani kuhusiana na kosa hilo.
2. Sheria ya Hifadhi ya Mimea, Mlango wa 18 wa Sheria za Zanzibar.	Kifungu cha 9 kinafutwa na badala yake yanawekwa maelezo yafuatayo - Adabu kwa kwenda kinyume na Amri ya Inspekte.
3. Sheria ya Upewaji Adhabu, Mlango wa 13 wa Sheria za Zanzibar.	9. Mtu ye yote ambae, bila ya sababu ya msingi, akashindwa kutekeleza amri yoyote ya halali aliyopewa na Inspekte au akenda kinyume au akaacha kutimiza kanuni yoyote iliyotungwa chini ya Sheria hii, au ambae ana hatia chini ya Sheria hii, basi kwa kila hatia atapewa adhabu ya faini isiyopungua shilingi Elfu tano lakini isiyozidi shilingi Elfu kumi au kupelekwa Chuo cha Mafunzo kwa kipindi kisichopungua miezi sita lakini kisichozidi miezi kumi na mbili. 1. Kifungu cha 14(1) kinarekebishwa kwa kufuta neno saba na badala yake kuweka neno kumi na mbili. 2. Kifungu cha 14(2) na (3) vinabadilishwa kwa kufuta neno "kumi na mbili" kila linapotokea na kuweka neno "kumi na nne". 3. Kifungu cha 5 kinafutwa na badala yake kuweka kifungu kipywa kinachofuata "Mamlaka ya Mahkama za Zanzibar kwa madhumuni ya Sheria hii inajumuisha pahala popote Zanzibar au katika masafa ya maili 12 za bahari kutoka ufkweni zikipimwa kuanzia

JADWELI YA KWANZA	JADWELI YA PILI
	<p>5. Kifungu 33 kinarekebishwa kwa kufuta maneno "isiozidi miezi sita" na kuyaweka maneno yafuatayo:- "inayozidi miaka 5 lakini isiozidi miaka 10".</p> <p>6. Kifungu cha 80 cha Sheria ya Adhabu kinarekebishwa kwa kuitwa kifungu cha 80(1) na kuongeza kifungu kidogo kipyä kitakachokuwa kifungu cha 80(2).</p> <p>"80(2) Pale baada ya uchunguzi au sachii ya akaunti ya Benki chini ya sheria yoyote, z Afisa ye yote wa Serikali anapokutikana au anaposadifiwa kuwa nayo mali ya aina yoyote, au anapogundulikana kuwa alifaaidika na huduma fulani ambayo inasadikiwa kuwa aliipata faida hiyo kwa njia ya rushwa wakati Ofisa Serikalini, Afisa wa namna hiyo atashtakiwa kwa kupata kwa njia ya rushwa mali yoyote au huduma na iwapo Afisa huyo atashindwa kuithibitishia Mahkama kuwa aliipata mali au huduma hiyo kwa njia za halali, atahesabiiwa kuwa na hatia."</p> <p>7. Sheria Nam. 13 ya 1971 inayofuta kifungu cha 161(a) na (b) cha Sheria ya Adhabu sasa kinafutwa.</p> <p>8. Kifungu 161(a) na (b) kilichofutwa na kinachohusu mchezo wa Bahati Nasibu sasa kinarejeshwa.</p>
4. Sheria ya Siri za Serikali Nam. 5 ya 1983.	<p>Kifungu cha 11 kinarekebishwa kwa kuongeza maneno "ushambuliaji" na kabla ya neno "zana" "silaha au"</p> <p>na hivyo kusomeka "..... silaha ya ushambuliaji au zana ....."</p>
5. Sheria Nam. 3 ya 1985 ya Mahkama ya Kadhi.	<p>1. Kifungu cha 2, 4(4); 5(2) na 6(2) vinarekebishwa kwa kuondoa neno "muandamizi" kila linapotokea kwenye vifungu hivyo na badala yake kuweka neno "wa rufaa".</p> <p>2. Kifungu cha 5 kinarekebishwa zaidi kwa kukibadili kifungu kidogo cha (3) na kukiita kifungu kidogo cha (4) kifungu kidogo cha (3) kipyä kinaongezwa kitakachosomeka kama ifuatavyo -</p>

JADWELI YA KWANZA	JADWELI YA PILI
	<p>"(3) Baadhi ya Makadhi walioteuliwa chini ya kifungu kidogo cha (1) cha kifungu hiki wanaweza kuchaguliwa kuwa makadhi wa Rufaa wa Daraja ya Kwanza au ya Pili au ya Tatu iwapo Tume ya Uajiri ya Mahkama itaona inafaa kufanya hivyo na kutokana na viwango vyao vya elimu pamoja na sababu nyengine za maana.</p> <p>6. Sheria Nam. 2 ya 1985 ya Mahkama Kuu.</p> <p>7. Sheria ya Barabara Mlango wa 135 wa Sheria za Zanzibar.</p>
	<p>Kifungu cha 5 kinarekebishwa kama ifuatavyo -</p> <ul style="list-style-type: none"> <li>(a) kwa kufuta aya yote ya (a);</li> <li>(b) kuziita aya zilizobaki kama "(a), "(b)" na "(c)" kwa mpango huo huo;</li> </ul> <p>3. Kifungu cha 10 kinarekebishwa kwa kutia kidogo mbele ya neno "Mahkama Kuu inaweza" yanayotokea mwanzoni mwa aya ndogo ya (1) na maelezo ya sheria yoyote nyengine.</p> <p>1. Kifungu cha 37 cha zamani kinafutwa na badala yake kinawekwa kifungu cha 37 kipyä kifuatacho -</p> <p>Adhabu kwa makosa yaliyotajwa kwenye sehemu ya tatu.</p> <p>37. (1) mtu yeyote atakaekuwa mkosa chini ya kifungu cha 31, cha 32 au cha 33 atatozwa faini isiyozidi shilingi elfu tano au kifungo kinachozidi miaka miwili, au adhabu zote mbili, yaani faini na kifungo kama hivyo.</p> <p>(2) Mtu yeyote atakaepatikana na hatia chini ya kifungu cha 34 au cha 35 atatozwa faini isiyozidi shilingi elfu tatu lakini isiyozidi shillingi elfu tano au atafungwa kwa kipindi kinachozidi miezi sita lakini kisichozidi mwaka mmoja, au adhabu zote mbili faini na kifungo.</p> <p>(3) Mtu yeyote anayepatikana na hatia chini ya kifungu cha 36 atatozwa faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tatu.</p>

JADWELI YA KWANZA	JADWELI YA PILI
	<p>Adhabu kwa makosa yali-yotajwa kwenye sehemu ya nne.</p> <p>49. (1) Mtu yeyote anayepatikana na hatia chini ya kifungu cha 46 au cha 47 atatozwa faini isiyozidi shilingi elfu tano au kufungwa kwa kipindi kinachozidi mwaka mmoja lakini kisichozidi miaka miwili, au adhabu zote mbili faini na kifungo.</p> <p>(2) Mtu yeyote anayepatikana na hatia chini ya kifungu cha 48 atatozwa faini inayozidi shilingi elfu tatu au kifungo cha kipindi kinachozidi miezi sita lakini kisichozidi mwaka mmoja, au adhabu zote mbili - faini na kifungo.</p> <p>3. Kifungu cha 55 cha zamani kinafutwa na kifungu kipyा kinawekwa badala yake -</p> <p>Adhabu kwa makosa yali-yotajwa sehemu ya tano.</p> <p>55. (1) Mtu yeyote atakae-patikana na hatia chini ya kifungu cha 51 atatozwa faini isiyozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano.</p> <p>(2) Mtu yeyote atakaepatikana na hatia chini ya kifungu cha 52 au cha 54 atatozwa faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano au kifungo kinachozidi miezi mitatu lakini kisichozidi miezi sita, au adhabu zote mbili yaani faini na kifungo.</p> <p>4. Kifungu cha 63 kinafutwa na kuwekwa kifungu kipyा kifuatacho -</p> <p>Utumiaji mbaya.</p> <p>63. (1) katika kifungu hiki</p>

JADWELI YA KWANZA	JADWELI YA PILI
	<p>(a) magari ya Serikali ni pamoja na magari yanayomilikiwa na SMZ, mashirika yake na vyombo vyengine vya Umma, Serikali ya Muungano, Mashirika yake na vyombe vyengine pamoja na Chama cha Mapinduzi na vyombo vyake;</p> <p>(b) Afisa mhusika -</p> <p>(i) iwapo ni Wizara ya Serikali, Idara au sehemu ya Idara, basi ni Katibu Mkuu au mtu yeyote ali-yepewa uwezo na mwenyewe Katibu Mkuu. Na iwapo ni Afisi ya Rais, basi Katibu wa Baraza la Mawaziri au mtu yeyote aliyeteuliwa na Katibu huyo.</p> <p>(ii) Iwapo ni KMKM, JKU na Chuo cha Mafunzo au watu wengine waliopewa uwezo wa Wakuu hao.</p> <p>(iii) Iwapo ni Chama inamaana ya Katibu Mkuu au mtu aliyemu-wakilisha na kwa Jumuiya za Umma kwa Wakuu wa Jumuiya hizo waliopo Zanzibar au watu wanaowawakilisha.</p> <p>(2) Mtu yeyote haruhusiwi kufanya yafuatayo isipokuwa awe na ruhusa iliyo katika maandishi -</p> <p>(a) kuendesha gari la Serikali au Chama;</p> <p>(b) kutumia au kukodisha gari la Serikali au Chama.</p>

## JADWEILI YA KWANZA

## JADWEILI YA PIII

- (c) kutumia gari la Serikali au Chama baada ya saa za kazi;
- (d) kutumia gari la Serikali au Chama siku za Jumapili au siku za Sikukuu;
- (e) kutumia gari la Serikali au Chama kwa shughuli yoyote nyengine badala ya ile aliyoruhusiwa;
- (f) kupakia abiria au mizigo katika gari la Serikali au Chama;
- (g) kupitisha gari la Serikali au Chama nje ya njia ambayo linawajibika kupita.
  
- (3) Kifungu kidogo cha (2) cha kifungu hiki hakitayahu si magari yafuatayo ya Serikali -
  - (a) magari ya Polisi yanapokuwa kazini;
  - (b) magari ya Jeshi yanapokuwa kazini;
  - (c) magari ya KMKM, JKU na ya Chuo cha Mafunzo wakati yakiwa kazini;
  - (d) magari ya wagonjwa na ya Wazima Moto wakati yakiwa kazini;
  - (e) magari yanayoendeshwa na/au kutumiwa na Mawaziri, Manaibu Mawaziri, Makatibu Wakuu, Wakuu wa Mikoa na Wilaya, Wakuu wa Maidara, Wakurugenzi, Mameneja Wakuu, Makatibu wa Mikoa, Wenye viti wa Mikoa na Wakuu wa Jumuiya za Chama waliopo Zanzibar;
  - (f) gari lolote jengine lililoruhusiwa kwa maandishi au kutokana na toleo maalum la Serikali au Chama.
  
- (4) Mtu ye yeyote atakaekwenda kinyume na Sheria hii atakuwa ni mkosa na iwapo atapatikana na hatia atatiwa adhabu zifuatazo -
  - (i) adhabu ya kinidhamu kutoka kwa Mkuu wake wa Idara;
  - (ii) kuilipa Serikali faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano. Fedha hiyo itakwa kwa vipindi vinne toka kwenye mshahara wake; na

(iii) iwapo amepakia bidhaa au vitu basi  
bidhaa au vitu hivyo vitataifishwa na  
kuchukuliwa na Serikali.

5. Kifungu cha 86 kinafutwa na badala yake kifungu  
kipya kinawekwa -

Adhabu kwa makosa chini ya sehemu ya sita ya Sheria hii, apatikanapo ya sita. na hatia atatozwa faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano au atafungwa kwa kipindi kinachozidi miezi sita lakini kisichozidi mwaka mmoja.

6. Kifungu cha 99 kinafutwa na badala yake kifungu  
kipya kinawekwa -

Adhabu kwa makosa chini ya sehemu ya Nane ya Sheria hii atatozwa faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano au atafungwa kwa kipindi kinachozidi miezi sita lakini kisichozidi miezi kumi na mbili, au adhabu zote mbili kwa pamoja yaani faini na kifungo.

7. Kifungu cha 110 kinafutwa na kifungu kipyta kinatungwa-

Adhabu kwa makosa chini ya sehemu ya Tisa na adhabu kwa jumla. 110.(1) Mtu yeyote anayefanya makosa chini ya kifungu cha 100, 101, 103, 104, 107, 108 au cha 109 apatikanapo na hatia kwa mara ya kwanza atatozwa faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano, na kila apatikanapo tena na hatia kwa makosa ya namna hiyo atatozwa faini inayozidi shilingi elfu tano.

(2) Mtu yeyote anayepatikana na hatia chini ya kifungu cha 105 au cha 106 atatozwa faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano na Mahkama inaweza, badala au baada ya faini hiyo, kumwamuru mkosa kulipa gharama na fidia kutokana na kumpotezea wakati (kwa kuhudhuria Mahkemani) mwenye mali, dereva au uttingo wa gari hilo.

## JADWELE YA KWANZA

## JADWELE YA PILI

(3) Mtu ye yote anapokuwa mkosa wa kosa lolote chini ya Sheria hii ambalo halikuwekewa adhabu maalum, apatikanapo na hatia kwa mara ya kwanza atatozwa faini inayozidi shilingi elfu mbili lakini isiyozidi shilingi elfu tano au kufungwa kwa zaidi ya miezi sita. Na kila apatikanapo tena na hatia atotozwa faini inayozidi shilingi elfu tano au kifungo kinachozidi mwaka mmoja.

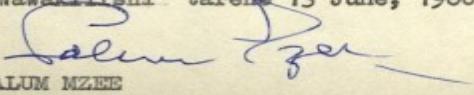
8. Sheria ya Mahakimu wa Mahkama za Wilaya Nam. 6 ya 1985.

1. Maneno "Hakimu Mkaazi" na "Mahkama ya Hakimu Mkaazi" yafutwe kila yanapotoka katika Sheria hii na badala yake yawekwe maneno "Hakimu wa Mkoaa" na "Mahkama ya Hakimu wa Mkoaa".
2. Kifungu cha 4(1) kinabadilishwa kwa kuongeza aya (e) baada ya aya (f) -
  - (e) kutoa aina yoyote ya adhabu ya kiwango cha chini iliyowekwa chini ya sheria yoyote iwapo kosa lenyewe limo kwenye mamlaka ya Mahkama hiyo.
3. Kifungu cha 4(2) kinarekebishwa kwa kuweka "elfu ishirini na tano" badala ya "elfu kumi".
4. Kifungu cha 6(1) kinarekebishwa kwa kuweka maneno "inaweza kusaidiwa na washauri wawili" badala ya maneno "italazimika kusaidiwa na washauri wawili".
5. Kifungu cha 6(2) kinafutwa na badala yake kifungu kipya kinawekwa -
  - 6(2). Kila inapokuwa Hakimu wa Mahkama ya Mwanzo anakaa na washauri, hatolazimika kufuata ushauri wao lakini atalazimika kueleza sababu zake za kutoafikiana nao.
6. Kifungu cha 8 kinarekebishwa kwa kuongeza kifungu kidogo cha (3) mara baada ya kifungu kidogo cha (3).
  - 8(3). Waendesha mashtaka wanaweza kuendesha mashtaka kwenye Mahkama za Mwanzo.
7. Kifungu cha 10(2) kinarekebishwa kwa kufuta maneno "au dignii".

JADWELE YA KWANZA	JADWELE YA PILI
	<p>8. Kifungu cha 11(2) kinarekebishwa kwa kuondosha mchoro (-) uliopo mbele ya maneno "utalimisika na" kwa kuongeza maneno yafuatayo - "kesi ambazo thamani ya kitu kinachogombaniwa hakizidi shilingi mia moja elfu".</p> <p>9. Kifungu cha 20 kinafutwa na badala yake kinatungwa kifungu chengine kifuatacho - Uwezo zaidi.</p> <p>20. Jaji Mkuu anaweza kwa kutoa notisi kwenye Gazeti la Serikali, kumpa uwezo zaidi ya ule <b>aliokuwa</b> nao Hakimu wa Mkoa au Mahkama ya Mkoa kwa ujumla.</p>
9. Sheria ya Uendeshaji wa Mashtaka ya Jinai, Mlango wa 14 wa Sheria za Zanzibar.	<p>1. Sheria Nam. 3 ya 1972 na Nam. 2 ya 1978 ambazo zinarekebisha Sheria ya Uendeshaji wa Mashtaka ya Jinai, zinafutwa.</p> <p>2. Sheria Nam. 9 ya 1965 na Nam. 2 ya 1966 ambazo zilikuwa hazitumiki sasa zinafufuliwa.</p> <p style="text-align: center;">Isipokuwa tu ile adhabu ambayo ilikuwa inatakiwa itolewe na Waziri anayehusika na Sheria.</p>
10. Sheria ya kuhifadhi magofu ya zamani sura ya 102.	<p>1. Kifungu cha 14 kinarekebishwa kwa kufuta maneno "isiozidi shilingi 1,050 au kifungo kisichozidi miezi 6" na kuweka maneno yafuatayo:- "inayozidi shilingi Elfu kumi lakini isiozidi shilingi Elfu Khamsini au kifungo kinachozidi mwaka mmoja lakini kisichozidi miaka miwili.</p>
11. Sheria ya ukataji wa miti Sura ya 121.	<p>1. Kifungu cha 9 cha Sheria mama kinarejeshwa kwa kukipa nambari 9(1).</p> <p>2. Kifungu kinachorejeshwa cha 9(1) kinarekebishwa kwa kuyafuta maneno yote yaliopo baada ya neno "Conviction" na yaengenzwe maneno yanayofuata. "kwa kifungo kinachozidi miezi 6 lakini kisichozidi mwaka mmoja au faini inayozidi shilingi Elfu mbili lakini isiyozidi shilingi Elfu tano.</p> <p>3. Kifungu cha 5 cha Sheria Nam. 4 ya 1968 kinarekebishwa kwa kuweka nambari mpya ya 9(2) badala ya 9.</p>
12. Sheria ya Elimu No.6 ya 1982.	<p>1. Neno "Education Board" liliopo katika kifungu cha 2 na pengine popote linafutwa na badala yake kuwa "Education Council".</p>

JADWELI YA KWANZA	JADWELI YA PILI
<p>13. Sheria ya Leseni ya Biashara Na. 3 ya 1983.</p>	<p>2. Neno "Advisory Council" vivyo hivyo linafutwa na kuwa "Education Council".</p> <p>3. Vijifungu (1) mpaka (v) vya Kifungu 47 (1) vinabadilishwa na kuwa kama ifuatavyo</p> <ul style="list-style-type: none"> <li>(i) Mwenyelekiti ataeteuliwa na Rais na ambae hatokuwa mfanyakazi wa Wizara ya Elimu.</li> <li>(ii) Mkurugenzi wa Elimu ya Juu atakuwa Katibu.</li> <li>(iii) Katibu Mtendaji wa Tume ya Mipango.</li> <li>(iv) Makatibu Wkunji kutoka Wizara za:- <ul style="list-style-type: none"> <li>(a) Elimu na</li> <li>(b) Fedha.</li> </ul> </li> <li>(v) Wakurugenzi wa Mipango kutoka Wizara zinazoshughulika na - <ul style="list-style-type: none"> <li>(a) Afya;</li> <li>(b) Ustawi wa Jamii;</li> <li>(c) Kilimo;</li> <li>(d) Mawasiliano na Uchukuzi na</li> <li>(e) Idara Maalum.</li> </ul> </li> <li>(vi) Mkurugenzi wa Mipango na Maendeleo ya Watumishi.</li> <li>(vii) Wajumbe watatu wa Baraza la Wawakilishi wataoteuliwa na Waziri. na</li> <li>(viii) Wajumbe wawili wataochaguliwa na Waziri mwenyewe.</li> </ul> <p>4. Kifungu cha 48(d), 48(h) na 49(3) vinarekebishwa kwa kufuta - "Manpower Planning" na kuweka neno "Elimu".</p> <p>1. Kifungu 4 cha Sheria mama kinafutwa.</p> <p>2. Vifungu vya 5 hadi 24 vinarekebishwa namba kwa kuweka vifungu vya 3 hadi 23 kwa mpangilio.</p>

Imepitishwa na Baraza la Wawakilishi tarehe 13 June, 1986.

  
 SALUM MZEE  
 KAIMU KATIBU WA BARAZA LA  
WAWAKILISHI

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