



THE STONE TOWN CONSERVATION AND DEVELOPMENT
AUTHORITY ACT, 1994.

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ACT NO.3 OF 1994.

I ASSENT

Salim Amour

SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

2nd June
..... 1994.

AN ACT TO ESTABLISH THE STONE TOWN CONSERVATION
AND DEVELOPMENT AUTHORITY AND OTHER MATTERS
CONNECTED THEREWITH.

ENACTED by the House of Representatives of
Zanzibar.

PART I
PRELIMINARY

Short title
and
commencement.

1. This Act may be cited as the Stone Town
Conservation and Development Authority Act, 1994
and shall come into operation immediately after being
assented to by the President.

Interpretation.

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

"Authority" means the Stone Town Conservation
and Development Authority established under
section 3 of this Act;

"Board" means the Stone Town Advisory Board
established by this Act;

"Conservation Area" means the area declared as such
by the Minister as more particularly shown in
the map which is a schedule hereto;



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"Conservation" means the process of managing and maintaining a place, a building or any object so as to return its historical, cultural significant qualities; and also includes preservation, restoration, reconstruction or adaptation;

"Development" means the carrying out of building, engineering, mining or other operations in, on, over the land; or the making of any material changes in the use of any building or land; or the deposit of material; or the sub-division of any land;

"Director General" means the Director General of the Stone Town Conservation and Development Authority;

"Minister" means the Minister for the time being responsible for the Stone Town;

"President" means the President of Zanzibar;

"Stone Town" means all that area of Zanzibar Town west of the Creek Road and a strip of 50 meters on both sides of the middle of Darajani Street.

PART II

THE ESTABLISHMENT OF THE AUTHORITY AND OTHER COMMITTEES.

Establishment
of the
Authority.

3.(1) There is hereby established an Authority to be known as the Stone Town Conservation and Development Authority.

(2) The Authority shall be an autonomous Government Organ with a common seal and shall be capable in its name of -

- (a) Suing and being sued;
- (b) borrowing and lending money; and



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- (c) taking, purchasing or otherwise acquiring, holding, changing and disposing of movable and immovable property.

(3) The Authority shall have exclusive jurisdiction in the administration of Stone Town.

(4) The Authority shall be answerable to the Minister.

Composition of the Authority.

4. The Authority shall consist of the following members :-

- (a) The Director General who shall be Chief Executive of the Authority;
- (b) Director of Departments of the Authority.

Appointment of the Director General and others.

5.(1) The Director General and other Directors of Departments shall be appointed by the President.

(2) The Director General shall take oath of allegiance before the President.

(3) The Authority may appoint such other officers and staff as it may consider necessary for the efficient discharge of responsibilities and duties of the Authority.

(4) The Director General shall, on his own or by officers of the Authority or, where appropriate, by agent, be responsible to exercise all the powers of the Authority.

Functions of the Authority.

6.(1) The Authority shall exercise the following functions :-

- (a) to initiate, plan, prepare, co-ordinate and control all matters related to the conservation of the Stone Town;
- (b) to examine and approve all conservation and development efforts and projects in the Stone Town and monitor infrastructure development;
- (c) to prepare and declare conservation Master Plan for the Stone Town or conservation area and monitor developments to bring them in conformity with the plan;



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- (d) to advise the private sector, Government departments or other institutions on issues concerning restoration, rehabilitation, conversion of buildings and open spaces;
- (e) to execute the plan approval procedure, the issuing of building permits and monitoring of building projects;
- (f) to take care for the proper use and maintenance of public areas and Government building in the Stone Town;
- (g) to take legal action against any person who constructs, uses, demolishes or alters any building or open space unlawfully;
- (h) to do all such other acts as may be incidental or conducive to the attainment of the objectives of the Authority under the provisions of this Act; and
- (i) to do any other thing given to the Authority by the Minister under this Act.

(2) For the purpose of carrying out the functions and objectives specified in subsection (1), the Authority shall perform the following powers :-

- (a) to advise the Minister on all aspects of development of the Stone Town; and
- (b) to implement the policies and programmes of the Government with regard to development of the Stone Town.

Power of the Authority to make Rules.

7.(1) Without prejudice to the generality of the powers conferred under this Act, the authority shall make such rules as may be required for the purpose of ensuring orderly and fair development of the Stone Town and in particular rules to -

- (a) determine application procedures and criteria for the approval of any person in the Stone Town;

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- (b) ensure adequate security within the Stone Town; and
- (c) determine the form of permits to be issued under this Act, and the procedures for amendment and revocation of such permits.

(2) All rules made under this Act shall be approved by the Minister and shall be published in the Gazette:

Provided that the rules shall not be invalid and ineffectual by reason only of not being published in the Gazette.

Administration. 8. The management and control of the Stone Town conservation and Development Authority shall be under the direction of the Minister.

Board. 9.(1) There shall be an Advisory Board constituted of a Chairman and not less than five and not more than seven members.

(2) The Chairman shall be appointed by the President and members shall be appointed by the Minister.

(3) The Director General of the Authority shall be the secretary of the Board.

(4) Members may, in the absence of Chairman, appoint one member to preside at the meeting.

(5) Chairman and members shall hold office for such a term as prescribed in their instruments of appointment and if no term is provided, for three years but shall be eligible for reappointment.

(6) The Board shall meet at least once in every 3 months.

(7) The Authority or the Board as the case may be, may appoint sub-committee, whether of its own members or staff or otherwise, to carry out such general or specific function as may be specified by the Authority or by the Board as the case may be and may delegate any of its powers to the Committee.



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Functions of
the
Advisory
Board.

10. The Advisory Board shall play an advisory role to the Authority on the following matters :-

- (a) on the declaration of any area to be a conservation Area and give guide lines for its conservation;
- (b) on the declaration of reconstruction areas and give guide lines for its redevelopment;
- (c) on the contents and procedures of conservation Master plans, conservation plans and reconstructive plans for the Stone Town;
- (d) on the contents and procedures of building permits for the Stone Town;
- (e) on the appointment of the sub-committees and give guidelines for its functions and operation;
- (f) on any other matter relating to the Stone Town.

Procedure of
Appeal.

11.(1) Any person who applies for a building permit for a new building, extension, alteration or demolition of a building or the use or change of use of a building or plot which is required according to Building Regulations or a master plan made under this Act, aggrieved by the decision of the Authority shall have the right of appeal to the Minister.

(2) The appellant shall submit his Memorandum of Appeal before the Minister within one month from the date of receiving the decision from the Authority.

(3) The Minister shall hear both parties and give his decision within three months from the date of hearing such an appeal.

(4) The Minister may, in deciding the appeal or any part thereof, seek advice or assistance of any person or office he deems appropriate but shall not be bound by such advice or assistance.

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(5) The decision of the Minister on the point of fact shall be final and binding to the parties.

(6) Notwithstanding the provisions of subsection (5) where the issue in dispute is on a point of law any party aggrieved by the decision of the Minister may appeal to the court of competent jurisdiction and on hearing the appeal, the court shall not be prevented from varying or quashing any finding of the Minister on either point of fact or law.

Quorum of a meeting.

12. One half of the members and the Secretary shall constitute a quorum at any meeting of the Board or sub-committee.

Powers of the Minister,

13. The Minister may, by order published in the Gazette, exercise the following powers :-

- (a) declare any area to be a conservation area;
- (b) declare any area within a conservation area to be a reconstruction area;
- (c) to do anything for the purpose of efficient implementation of anything which this Act whether expressly or impliedly has authorised to be done;
- (d) delegate any of his powers to the Authority.

Offences.

14.(1) Any person who wilfully or negligently constructs, builds, alters or demolishes a building or any part of a building, street or open space, or changes the use of a building or open space, or contravenes any Building Regulation, Master Plan or any other Regulations made under this Act, without a written permit from the authority, is guilty of an offence and shall be liable to a fine of not less than five hundred thousand shillings or twelve months imprisonment or to both such fine and imprisonment.

(2) Any person who wilfully or negligently constructs, builds, alters or demolishes a building or any part of building, street or open space in the construction area or



reconstruction area without written permit from the Authority is guilty of an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings or twelve months imprisonment or to both such fine and imprisonment.

(3) In addition to any such penalty provided under subsections (1) and (2) he shall be ordered, at his own cost, to make good any default. Upon failure or neglect of such order the Authority shall make good such default and shall be entitled to recover the cost from such person and the recovery claim shall be deemed to be application for execution of court order.

Emergency
conservatory
measures.

15.(1) Notwithstanding the provisions of section 14 where the Authority is of the opinion that anything is done in contravention of this Act or any regulation made under this Act shall immediately give notice of default to a person responsible for such an act.

(2) Where after issuing notice of default an act of default is not ceased, the Authority shall issue a stop order in writing and may affix or put such mark at the site of default to show that a stop order has been issued.

(3) If a stop order is not observed the Authority may without any further notice take any appropriate measure including but not limited to demolition, dismantling or pull down any structure erected in contravention of a stop order and the Authority shall be entitled to recover the cost under section 14(3) of this Act.

Penalty
where not
expressly
provided.

16.(1) Any person guilty of any offence against or contravention of, or default in complying with, any provision of this Act or of any Rules or order made thereunder shall, if no penalty is expressly provided for such offence be liable to a fine not exceeding five hundred thousand shillings or to



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imprisonment for a term of twelve months or to both such fine and imprisonment, and if the offence, contravention or default is of continuing nature, to a further fine not exceeding ten thousand shillings for each day of such further default or contravention.

(2) The Minister may from time to time increase the amount of fine provided under the provisions of this Act and upon such increase the new fine shall be valid and effectual as if imposed by this Act.

Overriding
power.

17. This Act shall override the provisions of any other Act to the extent which they contradict with the provisions of this Act:

Provided, and for avoidance of doubt it is hereby expressly provided, that nothing in this Act confers upon the Authority power to distribute, alienate or lease land in the conservation areas unless it is directed to do so by and on behalf of the Land Commission.

Passed in the House of Representatives on
the 23rd day of March, 1994.

Kh Chande

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.

SCHEDULE

